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Statutes
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ONTARIO

STATUTES

OF THE

PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD AT TORONTO IN THE

Fourth and Fifth Years of the Reign of
Her Majesty
QUEEN ELIZABETH II

Being the Second Session of the Twenty-Fifth
Legislature of Ontario

CONVENED ON THE 31ST DAY OF JANUARY, 1956, AND
PROROGUED ON THE 28TH DAY OF MARCH, 1956

HIS HONOUR LOUIS ORVILLE BREITHAUP
LIEUTENANT-GOVERNOR

TORONTO

Printed and Published by Baptist Johnston, Printer to the Queen's Most Excellent Majesty
1956

NOTE

AT THE FIRST SESSION OF THE TWENTY-FIFTH
LEGISLATURE OF ONTARIO, HELD AT TORONTO
ON THE 8TH DAY OF SEPTEMBER, 1955,
NO STATUTES WERE PASSED.

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4. 10.56



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PART I
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ONTARIO

4-5 ELIZABETH II

CHAPTER 1

An Act to amend The Agricultural Societies Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 6 of *The Agricultural Societies Act* R.S.O. 1950, c. 13, s. 6, is repealed and the following substituted therefor: subs. 1, re-enacted

- (1) Every person is entitled to be a member of a society, Persons entitled to membership but no person under eighteen years of age is eligible to vote at any meeting of the society or to hold office in the society.

2.—(1) Subsection 1 of section 7 of *The Agricultural Societies Act* R.S.O. 1950, c. 13, s. 7, is amended by striking out “thirty” in the fourth line and inserting in lieu thereof “twenty-six”, so that subs. 1, amended the subsection shall read as follows:

- (1) Upon the recommendation of the Superintendent the Minister may authorize any society to elect not more than six additional directors and not more than six junior directors not over twenty-six years of age. Additional directors

(2) The said section 7 is amended by adding thereto the following subsection: R.S.O. 1950, c. 13, s. 7, amended

- (1a) Where a society is authorized to elect more than twelve directors, it may elect all of its directors in rotation, but in that case no director shall be elected for a term of more than three years. Election of directors

3. Clauses *d* and *g* of subsection 1 of section 8 of *The Agricultural Societies Act* R.S.O. 1950, c. 13, s. 8, subs. 1, cl. *d*, *g*, are repealed.

4. Subsection 3 of section 11 of *The Agricultural Societies Act* R.S.O. 1950, c. 13, s. 11, is repealed and the following substituted therefor: subs. 3, re-enacted

- (3) Where a society exhibits a display of a farm product that is produced on a commercial basis in the locality served by the society or holds a field-crop or other Statement as to commercial petitions

competition and such display or competition is approved by the Superintendent, the officers of the society shall within one month thereafter forward to the Superintendent on a form supplied by the Department a statement showing the particulars of the display or the competition, the number of entries, and the expenditures, including prizes awarded, in connection therewith.

R.S.O. 1950,
c. 13, s. 24,
subs. 1, cl. a,
repealed

5.—(1) Clause *a* of subsection 1 of section 24 of *The Agricultural Societies Act* is repealed.

R.S.O. 1950,
c. 13, s. 24,
subs. 1, cl. *c*,
re-enacted

(2) Clause *c* of subsection 1 of the said section 24 is repealed and the following substituted therefor:

(*c*) where a society complies with subsection 3 of section 11 and its statement is satisfactory to the Superintendent, it shall receive a grant equal to one-half the sum expended by the society as shown by the statement of its expenditures for the display or competition, but in no case shall the grant be more than \$200 for a display or more than \$75 for a competition.

R.S.O. 1950,
c. 13, s. 29,
cl. *dd* (1954,
c. 2, s. 2),
re-enacted

6. Clause *dd* of section 29 of *The Agricultural Societies Act*, as enacted by section 2 of *The Agricultural Societies Amendment Act, 1954*, is repealed and the following substituted therefor:

(*dd*) classifying societies that are societies within the meaning of this Act and designating the class to which every such society belongs.

Commencement

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Agricultural Societies Amendment Act, 1956*.

CHAPTER 2

**An Act to amend
The Archaeological and Historic Sites
Protection Act, 1953**

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 9 of *The Archaeological and Historic Sites Protection Act, 1953* is amended by striking out <sup>s. 9,
subs. 1,</sup> “seven” in the second line and inserting in lieu thereof “nine”, so that the subsection shall read as follows:

(1) The Minister may establish an advisory board, <sup>Advisory
board</sup> consisting of not more than nine members, to advise him upon all matters to which this Act refers.

2. This Act comes into force on the day it receives Royal ^{Commencement} Assent.

3. This Act may be cited as *The Archaeological and Historic Sites Protection Amendment Act, 1956*. ^{Short title}

CHAPTER 3

An Act to amend The Assessment Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 8 of *The Assessment Act* is R.S.O. 1950,
repealed.
c. 24, s. 8,
subs. 2,
repealed

2.—(1) Subsection 1 of section 12 of *The Assessment Act* R.S.O. 1950,
is amended by striking out “and every assessor of a munici-
pality” in the first and second lines and inserting in lieu ^{amended}
thereof “every assessor of a municipality, the county assessor,
the commissioner and members of courts of revision, the
county court judge, the members of the Ontario Municipal
Board and officials of the Department”, so that the subsection
shall read as follows:

(1) The assessment commissioner, if any, every assessor ^{Right of access}
of a municipality, the county assessor, the com-
missioner and members of courts of revision, the
county court judge, the members of the Ontario
Municipal Board and officials of the Department
shall at all reasonable times and upon reasonable
request be given free access to all land and to all
parts of every building, structure, machinery and
fixture erected or placed upon, in, over, under or
affixed to the land, for the purpose of making a proper
assessment thereof or of making a proper
business assessment in respect thereof.

(2) Subsection 2 of the said section 12 is repealed and the R.S.O. 1950,
following substituted therefor:
c. 24, s. 12,
subs. 2,
re-enacted

(2) Every adult person present on land when any person ^{Information}
referred to in subsection 1 visits the land in the
performance of his duties shall upon request give
to such person all the information in his knowledge
that will assist such person to make a proper assess-
ment of the land and every building, structure,
machinery and fixture erected or placed upon, in,

over, under or affixed to the land, to make a proper business assessment in respect thereof, and to obtain the information he requires with respect to any person whose name he is required to enter on the assessment roll or in the census register.

R.S.O. 1950,
c. 24, s. 16,
subs. 2,
col. 5,
amended

3. Column 5 of subsection 2 of section 16 of *The Assessment Act* is amended by striking out "and whether the person is qualified to vote at municipal elections as well as at elections for the Assembly, there shall also be entered opposite his name in that column, in capitals, the letters 'L.F.' meaning thereby 'Legislative Franchise'" in the third, fourth, fifth, sixth and seventh lines, so that the Column shall read as follows:

Column 5.—Statement whether the person is an owner or tenant by inserting opposite his name the letter "O." or "T." as the case may be, and where the person is a "farmer's son", "farmer's daughter" or "farmer's sister", there shall also be similarly entered the letters "F.S.", "F.D." or "F.Sis.", and in the case of a person who is entitled to be a municipal elector by reason of being the husband or wife of the person rated or entitled to be rated for land as provided by *The Municipal Act* or by reason of being the wife of a farmer's son, or a farmer's daughter, or farmer's sister, there shall also be entered the letters "M.F.N.C.", meaning that such person is entitled to vote at municipal elections but is not to be counted for the purpose of determining representation in the county council, and all such names shall be numbered on the roll.

R.S.O. 1950,
c. 243

4. Subsection 5 of section 30 of *The Assessment Act* is amended by striking out "In cities, towns and villages" at the commencement thereof, so that the subsection shall read as follows:

Unoccupied
land owned
by non-
resident

(5) Unoccupied land owned by non-residents shall be assessed in the same manner as the land of residents, and where the name of the owner cannot be ascertained, the assessor shall insert the word "non-resident" in the column in the assessment roll for the name of the owner opposite the description of the land.

R.S.O. 1950,
c. 24, s. 39
(1952, c. 3,
s.10), subs. 9,
amended

5.—(1) Subsection 9 of section 39 of *The Assessment Act*, as re-enacted by section 10 of *The Assessment Amendment Act, 1952* and amended by section 11 of *The Assessment Amendment Act, 1953*, is further amended by inserting after "superstructures" in the fifth line "except where a substructure or superstructure forms an integral part of a building referred to in subsection 3 or 5", so that the subsection shall read as follows:

- (9) In making the assessment referred to in subsection 8, ^{Exemptions} there shall be no assessment of machinery whether fixed or not nor the foundation on which it rests, works, structures other than buildings referred to in subsection 3 or 5, substructures, superstructures, except where a substructure or superstructure forms an integral part of a building referred to in subsection 3 or 5, rails, ties, poles, towers, lines nor any of the things excepted from exemption from taxation by paragraph 17 of section 4, nor other property, works or improvements not referred to in subsection 3 or 5, nor an easement or the right or use of occupation or other interest in land not owned by the commission.

- (2) The said section 39 is amended by adding thereto the <sup>R.S.O. 1950,
c. 24, s. 39
(1952, c. 3,
s. 10),
amended</sup> following subsections:

- (9a) Nothing in this section shall exempt from taxation ^{Application} any part of any works, structures, substructures or superstructures when occupied by a tenant or lessee.
- (9b) Notwithstanding subsection 9, telephone companies <sup>Municipal
telephone
companies</sup> assessed under this section shall be assessed to the same extent as telephone companies are assessed under sections 7 to 9a.

6. Subsection 1 of section 50 of *The Assessment Act* is <sup>R.S.O. 1950,
c. 24, s. 50,
subs. 1,
amended</sup> amended by striking out "or roll for non-residents, as the case may require" in the eighth and ninth lines, so that the subsection shall read as follows:

- (1) If at any time it appears to any treasurer or other officer of the municipality that land liable to assessment has not been assessed in whole or in part for the current year or for either or both of the next two preceding years, he shall report the same to the clerk of the municipality; thereupon, or if the omission to assess comes to the knowledge of the clerk of the municipality in any other manner, the clerk shall enter such land on the collector's roll as well for the arrears of the preceding year or years, if any, as for the tax of the current year, and the valuation of the land shall be the average of the three previous years, if assessed for the said three years, but if not so assessed, the clerk shall require the assessor for the current year to value the land, and it shall be the duty of the assessor to do so when required, and to certify the valuation in writing to the clerk.

- 7.** Subsection 4 of section 51 of *The Assessment Act*, as <sup>R.S.O. 1950,
c. 24, s. 51
(1951, c. 4,
s. 3), subs. 4,
amended</sup> re-enacted by section 3 of *The Assessment Amendment Act*,

1951 and amended by subsections 2 and 3 of section 12 of *The Assessment Amendment Act, 1955*, is further amended by adding thereto the following clause:

- (d) notwithstanding clauses *a* and *b*, where in a high school district a municipality is required under an agreement to pay over to the high school board a fixed annual percentage of the costs of the erection or maintenance of a school or schools, it is not necessary for the municipality to pay over an amount to the high school board as required by clauses *a* and *b*, but the municipality shall set up a credit of the amounts which would but for this clause have been paid over to the board, which credit shall be used to reduce the levy for the board in the following year.

R.S.O. 1950,
c. 24, s. 51^a
(1951, c. 4,
s. 3),
subs. 3,
cl. *b*,
amended

8. Clause *b* of subsection 3 of section 51a of *The Assessment Act*, as enacted by section 3 of *The Assessment Amendment Act, 1951*, is amended by striking out “clauses *a* and *b* of” in the third and fourth lines, so that the clause shall read as follows:

- (b) for the purpose of equalizing assessments between municipalities in a county, be deemed to include the assessments added under subsection 1.

R.S.O. 1950,
c. 24, s. 54,
subs. 6,
re-enacted

9. Subsection 6 of section 54 of *The Assessment Act* is repealed and the following substituted therefor:

Adjustment
of taxes as
result of
appeal

- (6) Where as the result,

(a) of an appeal to the county judge or the Ontario Municipal Board; or

(b) of an action or other proceeding in the Supreme Court or a county court or in the Supreme Court of Canada,

any assessment is added, reduced, increased or otherwise altered, the taxes levied and payable with respect to such assessment shall be adjusted accordingly and, if the taxes levied have been paid, any overpayment shall be refunded by the municipality.

R.S.O. 1950,
c. 24, s. 55
(1951, c. 4,
s. 5),
amended

10. Section 55 of *The Assessment Act*, as re-enacted by section 5 of *The Assessment Amendment Act, 1951*, is amended by adding thereto the following subsection:

Application
where
annexation
order
provides for
assessment

- (3) This section does not apply where an annexation order otherwise provides for the assessment of the lands annexed by such order.

11. Section 71 of *The Assessment Act* is amended by R.S.O. 1950, c. 24, s. 71, striking out "and under the seal of the corporation" in the second and third lines and by striking out "seal or" in the fifth line, so that the section shall read as follows:

71. A copy of any assessment roll, or portion of any assessment roll, written or printed, and certified to be a true copy by the clerk of the municipality, shall be received as *prima facie* evidence in any court of justice without proof of the signature, or the production of the original assessment roll of which such certified copy purports to be a copy, or a part thereof.

12. Section 80 of *The Assessment Act*, as amended by sub-section 1 of section 8 of *The Assessment Amendment Act, 1951* re-enacted and section 8 of *The Assessment Amendment Act, 1954*, is repealed and the following substituted therefor:

- 80.—(1) The municipal corporation, the assessor or assessment commissioner or any person assessed may appeal from the decision of the county judge to the Ontario Municipal Board.
- (2) An appeal shall also lie to the Ontario Municipal Board from a decision of the county judge under section 50, 51, 51a or 124.
- (3) Except as provided in subsections 4 and 5, sections 72 to 76, 78, 79, 81 and 82 shall apply to appeals taken under subsection 1 or 2, and on such appeals the Board shall have the powers and duties of a county judge under the said sections.
- (4) A notice of appeal to the Board under this section shall, within twenty-one days after notice of the decision appealed from has been given under subsection 2 of section 79, be sent by the party appealing by registered letter to the secretary of the Board and to the persons to whom notice of the hearing before the judge was given.
- (5) Upon receipt of a notice of appeal under this section, the secretary of the Board shall arrange a time and place for hearing the appeal and shall send notice thereof by registered letter to all parties concerned in the appeal at least fourteen days before the hearing.
- (6) An appeal shall lie from the decision of the Board under this section to the Court of Appeal upon all questions of law or the construction of a statute, a

municipal by-law, any agreement in writing to which the municipality concerned is a party, or any order of the Board.

Procedure
on appeals

(7) The practice and procedure on the appeal to the Court of Appeal shall be the same *mutatis mutandis* subject to any rule of the court or regulation of the Board as upon an appeal from a county court.

Alteration
in roll as
result of
appeal from
Board

(8) If, by the decision of the Board or by the judgment of the Court of Appeal, it appears that any alteration should be made in the assessment roll respecting the assessment in question, the clerk of the municipality concerned shall alter the assessment roll to give effect to the decision or judgment and shall write his name or initials against every alteration.

R.S.O. 1950,
c. 24,
amended

13. *The Assessment Act* is amended by adding thereto the following section:

Jurisdiction
of Court
of Appeal

81a. Upon an appeal to the Court of Appeal, the Court of Appeal has jurisdiction to determine any question or matter relating to the assessment in question and in addition shall be a court having original jurisdiction to determine all questions as to whether any persons or things are or were assessable or are or were legally assessed or exempted from assessment.

R.S.O. 1950,
c. 24, s. 83,
re-enacted

14. Section 83 of *The Assessment Act* is repealed and the following substituted therefor:

Powers of
court of
revision,
etc.

83. Upon a complaint or appeal with respect to an assessment, the court of revision, county court judge and the Ontario Municipal Board may review the assessment and make any decision the assessor could or should have made.

83a. No action or other proceeding, except an action or other proceeding brought by or on behalf of a municipality, shall be brought in any court with respect to an assessment or taxes based thereon,

(a) except within sixty days after the day upon which the roll is required by law to be returned, or within sixty days after the return of the roll, in case the roll is not returned within the time fixed for that purpose; and

(b) where a complaint with respect to the assessment is made to the court of revision, except within the time limited for appealing from the decision of the court of revision to the county court judge;

(c)

- (c) where an appeal is made from the decision of the court of revision to the county court judge, except within the time limited for appealing from the decision of the county court judge to the Ontario Municipal Board; and
- (d) where an appeal is made from the decision of the county court judge to the Ontario Municipal Board, except within fifteen days after the date of the decision of the Ontario Municipal Board;

provided, where an appeal is made to the Court of Appeal, no action or other proceeding shall be brought in any other court with respect to the assessment.

83b. Where any part of an assessment is declared invalid or in error by the Supreme Court or a county court, the whole assessment is not thereby invalidated and the court may direct that the assessment roll be altered in accordance with its judgment and the clerk of the municipality concerned shall so alter the roll and shall write his name or initials against every alteration.

83c. No matter that could have been raised by way of complaint to the court of revision or in an action or other proceeding with respect to an assessment in a court within the times limited for bringing such complaint, action or other proceeding under this Act shall be raised by way of defence in any action or other proceeding brought by or on behalf of a municipality.

15. Section 84 of *The Assessment Act* is amended by inserting after "appeal" in the second line "or in an action", so that the section shall read as follows:

84. Where the assessment of any real property is altered on an appeal or in an action, any business assessment based on the assessed value of such real property shall be altered in the business assessment roll by the clerk of the municipality to conform with the altered real property assessment, whether or not the business assessment roll has been finally revised.

16. Section 91 of *The Assessment Act*, as amended by section 22 of *The Assessment Amendment Act, 1955*, is repealed and the following substituted therefor:

Apportionment of county rates, how to be based

91. The council of a county, in apportioning a county rate among the different townships, towns and villages within the county, shall, in order that the same may be assessed equally on the whole rateable property of the county, make the assessment of real property and business assessments as equalized in the preceding year the basis upon which the apportionment is made.

R.S.O. 1950,
c. 24, s. 120,
subs. 1
(1951, c. 4,
s. 10),
amended

17. Subsection 1 of section 120 of *The Assessment Act*, as re-enacted by section 10 of *The Assessment Amendment Act, 1951*, is amended by striking out "30th day of April" in the second and third lines and inserting in lieu thereof "28th day of February", so that the subsection shall read as follows:

Dates for return of collector's roll

(1) Subject to subsection 3, every collector shall return his roll to the treasurer on or before the 28th day of February in the year next following the year in which the taxes were levied, or on such earlier date in that year as the council may appoint.

R.S.O. 1950,
c. 24, s. 124
(1953, c. 6,
s. 13),
amended

18.—(1) Section 124 of *The Assessment Act*, as re-enacted by section 13 of *The Assessment Amendment Act, 1953* and amended by section 9 of *The Assessment Amendment Act, 1954* and section 25 of *The Assessment Amendment Act, 1955*, is further amended by adding thereto the following subsection:

Application by clerk

(2a) Where any person who is entitled to apply for the cancellation, reduction or refund of taxes under clause *e* or *f* of subsection 1 fails to apply, the clerk of the municipality may apply in his stead and the provisions of this section shall apply *mutatis mutandis* to such application.

R.S.O. 1950,
c. 24, s. 124,
subs. 4
(1955, c. 4,
s. 25, subs. 2),
amended

(2) Subsection 4 of the said section 124, as re-enacted by subsection 2 of section 25 of *The Assessment Amendment Act, 1955*, is amended by striking out "registered" in the sixth line and by striking out "Ontario Municipal Board within twenty-one" in the ninth and tenth lines and inserting in lieu thereof "county judge within ten", so that the subsection shall read as follows:

Hearing and disposition

(4) The court of revision shall hear and dispose of every application not later than the 31st day of March in the year following the year in respect of which the application is made and the clerk shall thereupon cause notice of the decision in such application to be given by mail to the persons to whom notice of the hearing of such application was given and such notice shall state thereon that such decision may be appealed to the county judge within ten days of the mailing of such notice.

(3) Subsection 5 of the said section 124 is amended by R.S.O. 1950, c. 24, s. 124, striking out "Ontario Municipal Board" in the first and (1953, c. 6, s. 13), second lines and inserting in lieu thereof "county judge", so subs. 5, amended that the subsection shall read as follows:

- (5) An appeal may be had to the county judge by the Appeals applicant or the municipality from the decision of the court of revision or where the court of revision has omitted, neglected or refused to hear or dispose of an application under this section, and such appeal shall be a hearing *de novo*.

(4) Subsection 6 of the said section 124, as re-enacted by R.S.O. 1950, c. 24, s. 124, subsection 3 of section 25 of *The Assessment Amendment Act, 1955*, is repealed and the following substituted therefor: R.S.O. 1950, c. 24, s. 124, subs. 6 (1955, c. 4, s. 25, subs. 3), re-enacted

- (6) The person appealing shall personally or by his agent Notice of give notice in writing to the clerk of the municipality appeal or to the assessment commissioner, if any, within ten days after notice of the decision of the court of revision has been given by the clerk under subsection 4, of his intention to appeal to the county judge.

19. Subsection 1 of section 132 of *The Assessment Act*, as R.S.O. 1950, c. 24, s. 132, amended by section 29 of *The Assessment Amendment Act, 1955*, is further amended by striking out "occupied or built upon or are incorrectly described, and to notify such occupants and also the" in the eighth, ninth and tenth lines and inserting in lieu thereof "incorrectly described and to notify the occupants and", so that the subsection shall read as follows:

- (1) The clerk of the municipality or assessment commissioner is hereby required to keep the said list, so furnished by the treasurer, on file in his office, subject to the inspection of any person requiring to see the same, and he shall also deliver a copy of such list to the assessor of the municipality in each year as soon as he is appointed, and it shall be the duty of the assessor to ascertain if any of the lots or parcels of land contained in such lists are incorrectly described and to notify the occupants and owners thereof, if known, whether resident within the municipality or not, upon their respective assessment notices, or otherwise, that the land is liable to be sold for arrears of taxes, and to enter in a column to be reserved for the purpose the words "*Parties notified*" or "*Incorrectly described*", as the case may be, and all such lists shall be signed by the assessor, verified as provided in subsection 3, and returned to the clerk with the assessment roll, together with a memorandum of any error discovered therein, and the clerk Clerks to keep the lists in their offices open to inspection, give copies to assessors, notify occupants, etc.

shall compare the entries in the assessor's return with the assessment roll and report any differences to the assessor for verification, and the clerk shall transmit such lists and any such memorandum forthwith to the treasurer of the municipality if the municipality is one whose officers have power to sell lands for arrears of taxes, or in other cases to the county treasurer, and the treasurer in either case shall attach the seal of the corporation to such lists and file the same in his office for public use, and every such list or copy thereof shall be received in any court as evidence, in any case arising concerning the assessment of such lands.

R.S.O. 1950,
c. 24, s. 236
(1955, c. 4,
s. 33),
subs. 2,
amended

20. Subsection 2 of section 236 of *The Assessment Act*, as enacted by section 33 of *The Assessment Amendment Act, 1955*, is amended by inserting after "reason" in the second line "of a decision under section 124 or", so that the subsection shall read as follows:

Uncollectable taxes

(2) Notwithstanding subsection 1, the treasurer may strike from the roll taxes which by reason of a decision under section 124 or of a decision of a judge of any court are uncollectable.

R.S.O. 1950,
c. 24,
amended

21. *The Assessment Act* is amended by adding thereto the following section:

Computation
of time for
proceedings
where time
limited
expires on
Saturday

238. Where the municipal offices in a municipality are closed on Saturday and the time limited for any proceeding or for the doing of any thing in such municipal offices under this Act expires or falls upon a Saturday, the time so limited shall extend to and the thing may be done on the day next following which is not a holiday.

R.S.O. 1950,
c. 24,
Form 3,
amended

22. Form 3 of *The Assessment Act* is amended by inserting after the first paragraph the following note:

Note: See section 83a of *The Assessment Act* as to the times limited for bringing an action in any court with respect to assessments.

Commencement

23.—(1) This Act, except section 22, comes into force on the day it receives Royal Assent.

Idem

(2) Section 22 comes into force on the 1st day of January, 1957.

Short title

24. This Act may be cited as *The Assessment Amendment Act, 1956*.

CHAPTER 4

The Brucellosis Act, 1956

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** In this Act,
- Interpre-
tation
- (a) "brucellosis" means an infectious disease of cattle caused by the organism *Brucella abortus*;
 - (b) "calf" means a head of cattle under one year of age;
 - (c) "cattle owner" means a person owning or keeping one or more head of cattle and includes a person in charge of premises where cattle are kept;
 - (d) "chief inspector" means chief inspector appointed under this Act;
 - (e) "Commissioner" means Live Stock Commissioner;
 - (f) "inspector" means an inspector appointed under this Act and includes the chief inspector;
 - (g) "laboratory" means a laboratory for the making of tests for brucellosis that is designated as such in the regulations;
 - (h) "Minister" means Minister of Agriculture;
 - (i) "regulations" means regulations made under this Act;
 - (j) "supervised area" means a municipality or unorganized township that is designated as a supervised area;
 - (k) "vaccinate" means inoculate by vaccine in accordance with the regulations;
 - (l)

R.S.O. 1950,
c. 409

Petition
for designation
of supervised
area

(l) "veterinarian" means a person holding a certificate entitling him to practise veterinary science under *The Veterinary Science Practice Act.* 1953, c. 10, s. 1, amended.

2.—(1) Upon receipt of a petition that in the opinion of the clerk of a township in a county or territorial district bears the signatures of at least two-thirds of the cattle owners in that township requesting that the township be designated as a supervised area, the clerk shall make a certificate in the form prescribed by the regulations and shall, within sixty days after the receipt of the petition, send it together with the petition to the Commissioner.

Recommendation
for designation
as supervised
area

(2) Where the Commissioner receives the certificate and the petition from the clerk of a township, the Commissioner may recommend to the Minister that the township be designated a supervised area.

Idem, all
municipal-
ities in
county or
district

(3) Where the Commissioner receives the certificate and the petition from the clerk of a township that is within a county in which all of the other townships are supervised areas, the Commissioner shall recommend to the Minister that all the municipalities in the county be designated as supervised areas.

Idem,
unorganized
township

(4) Upon receipt of a petition by the Commissioner that in his opinion bears the signatures of at least two-thirds of the cattle owners in an unorganized township requesting that the unorganized township be designated as a supervised area, the Commissioner may recommend to the Minister that the unorganized township be designated as a supervised area. *New.*

Power to
designate
supervised
area

3. The Lieutenant-Governor in Council may designate any municipality or unorganized township as a supervised area. *New.*

Inspectors

4. The Lieutenant-Governor in Council may appoint a chief inspector and one or more inspectors for the purposes of this Act. 1953, c. 10, s. 3 (3), amended.

Appoint-
ment of
veterinarians

5.—(1) Upon application therefor in the form prescribed by the regulations, the Minister may appoint for the purposes of this Act one or more veterinarians for one or more supervised areas.

Agreements
respecting
veterinar-
ians' services

(2) Where the Minister appoints a veterinarian for the purposes of this Act, he shall make an agreement with the veterinarian providing for,

- (a) the vaccination of female calves;
- (b) the taking of samples of blood of cattle for the purpose of making tests for brucellosis; and
- (c) the branding of cattle that have been found by test to be infected with brucellosis,

and the remuneration that will be payable to the veterinarian therefor.

(3) With the approval of the chief inspector, a veterinarian appointed for the purposes of this Act may engage one or more persons to assist him in the discharge of his duties under this Act, but the veterinarian is responsible for all acts of his assistants in the discharge of such duties. *New.*

6. No veterinarian appointed for the purposes of this Act shall use or supply to any person for use in any vaccination for brucellosis any vaccine other than a vaccine prescribed by the regulations. *New.*

7. No person shall vaccinate any head of cattle over one year of age without the written permission of the Commissioner or chief inspector. *New.*

8. No person shall offer for sale or sell, except for purposes of immediate slaughter, any head of cattle that he knows is infected with brucellosis without informing the buyer or his agent that the head of cattle is so infected. *New.*

9. No person shall ship, transport, drive or carry into a supervised area any female cattle, except,

- (a) calves under eight months of age; exceptions
- (b) cattle under three years of age that have been vaccinated, where the certificates of vaccination are delivered with the cattle;
- (c) cattle that have been tested and found not to be infected with brucellosis, where the certificates of freedom from brucellosis are delivered with the cattle;
- (d) cattle being shipped, transported, driven or carried for the purpose of immediate slaughter or removal to a place not within a supervised area; or
- (e) cattle shipped, transported, driven or carried into a supervised area under a permit issued by the Com-missioner

missioner or an inspector upon such terms and conditions as he deems appropriate for the particular case. *New.*

Bringing female calves into supervised area

10. Where a female calf under eight months of age that has not been vaccinated is brought into a supervised area, the owner of such calf shall, within ten days thereafter, inform a veterinarian or an inspector of the particulars thereof. *New.*

Requirement as to vaccination of female calves

11. Except as provided in the regulations, every female calf in a supervised area shall be vaccinated before it becomes nine months of age. *New.*

Notice of calf to be vaccinated

12.—(1) Every cattle owner in a supervised area who has a female calf to be vaccinated under this Act shall, during the period after the calf becomes four months of age and before it becomes eight months of age, notify a veterinarian that he has such a calf.

Vaccination under Act

(2) Where a veterinarian appointed for the purposes of this Act receives a notice under subsection 1, he shall vaccinate the calf without cost to its owner.

Vaccination not under Act

(3) Where a veterinarian, other than a veterinarian appointed for the purposes of this Act, receives a notice under subsection 1, he may, after having informed the owner of the calf that the cost of the vaccination by him is not provided for under this Act, vaccinate the calf on such terms as he and the owner of the calf agree upon.

Where vaccination not done

(4) Where a veterinarian receives a notice under subsection 1 and for any reason the calf to which the notice relates has not been vaccinated at the time it becomes nine months of age, the veterinarian shall forthwith notify the Commissioner or an inspector of the circumstances of the case. *New.*

Certificate of vaccination

13. Every veterinarian who vaccines a female calf shall make in quadruplicate a certificate of vaccination thereof in the form prescribed by the regulations and shall forthwith deliver or send by mail the original copy to the owner of the calf and shall, within ten days after the end of the month in which the vaccination was done, deliver or send by mail three copies to the Commissioner. *New.*

Compensation

14. Where a female calf is vaccinated by a veterinarian appointed for the purposes of this Act and it dies within twenty-four hours thereafter, the Minister may compensate the owner of the calf for the loss so suffered as determined by a valuator appointed by the Commissioner, but not more than \$100 shall be paid in the case of a pure bred calf and

not more than \$50 in the case of any other calf, and in no case shall any amount be paid,

- (a) unless the owner of the calf notifies an inspector or a veterinarian of its death within twenty-four hours thereafter; and
- (b) unless a veterinarian who has conducted a *post mortem* examination of the calf certifies that its death resulted from the vaccination. *New.*

15.—(1) Where a cattle owner requests that a blood test ^{Blood tests} for brucellosis be made of a head of cattle, the Commissioner or the chief inspector may authorize a veterinarian appointed for the purposes of this Act to take the sample of blood required for the test, but no such veterinarian shall take a sample of blood for such test without first obtaining the written permission of the owner of the head of cattle for the branding of it in the event that it is found by the test to be infected with brucellosis.

(2) When such veterinarian takes a sample of blood from ^{Idem} a head of cattle for a test for brucellosis, he shall send it immediately to the operator of a laboratory together with the name and address of the owner of the head of cattle and sufficient information to identify it.

(3) When the operator of a laboratory receives a sample ^{Reports} of blood from a veterinarian for a test for brucellosis, the operator shall make the test as soon as practicable and shall prepare a report in the form prescribed by the regulations and shall, within ten days after making the test, send two copies of the report to the veterinarian, and if the report shows that the head of cattle is infected with brucellosis, he shall send a copy of the report to the Commissioner.

(4) When a veterinarian receives the copies of a report ^{Branding} of a test for brucellosis sent to him under subsection 3, he shall deliver one copy thereof to the owner of the head of cattle tested and if the report shows that the head of cattle is infected with brucellosis, he shall brand it in accordance with the regulations. *New.*

16.—(1) An inspector or a veterinarian appointed for the ^{Right of entry} purposes of this Act may at any time between sunrise and sunset enter any land or building, other than a dwelling house, for the purpose of carrying out his duties under this Act. 1953, c. 10, s. 3 (6), *amended.*

(2) The production by an inspector or a veterinarian ^{Identification certificate} appointed for the purposes of this Act of an identification certificate

certificate purporting to be signed by the Minister is *prima facie* evidence of the facts stated in the certificate. 1953, c. 10, s. 3 (5), *amended*.

Hindering,
false
information

(3) No person shall hinder or obstruct an inspector or a veterinarian appointed for the purposes of this Act in the performance of his duties or shall furnish him with false information. 1953, c. 10, s. 6, *amended*.

Cattle owner
to provide
assistance

(4) The owner of a female calf being vaccinated shall provide such assistance as the veterinarian may require to restrain the calf. *New*.

Offences and
penalties

17. Every person who fails to comply with this Act or the regulations or the terms or conditions of any permit issued under this Act is guilty of an offence and on summary conviction is liable to a penalty of not more than \$100 for a first offence and to a penalty of not more than \$200 or to imprisonment for a term of not less than thirty days, or both, for any subsequent offence. 1953, c. 10, s. 7, *amended*.

Regulations

18. The Lieutenant-Governor in Council make regulations,

- (a) designating any municipality or unorganized township as a supervised area;
- (b) exempting any class of female calves from this Act;
- (c) designating laboratories for the making of tests for brucellosis;
- (d) prescribing the vaccines and the methods to be used in vaccinating female calves against brucellosis;
- (e) providing for the issue of permits under clause *e* of section 9;
- (f) prescribing the brands and the methods of branding cattle to identify those that have been found by test to be infected with brucellosis;
- (g) prescribing the forms under this Act;
- (h) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1953, c. 10, s. 8, *amended*.

Moneys to
be voted

19. The moneys required for the purposes of this Act shall be paid out of such moneys as are appropriated therefor by the Legislature. *New*.

20. Every by-law passed by the council of a township By-laws
under *The Brucellosis Control Act, 1953* is rescinded.
rescinded

21. *The Brucellosis Control Act, 1953* is repealed. 1953, c. 10,
repealed

22. This Act comes into force on a day to be named by Commencement
the Lieutenant-Governor by his Proclamation.

23. This Act may be cited as *The Brucellosis Act, 1956*. Short title

CHAPTER 5

An Act to annex Burlington Beach to the City of Hamilton

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. In this Act,
 - (a) "Commission" means the Burlington Beach Commission;
 - (b) "Corporation" means The Corporation of the City of Hamilton.Interpre-
tation
- 2.—(1) The locality that forms and is known as Burlington Annexation Beach under and subject to the jurisdiction of the Burlington Beach Commission by virtue of *The Burlington Beach Act* R.S.O. 1950, c. 43, is hereby annexed to the City of Hamilton and shall form part of the City of Hamilton and the County of Wentworth for all purposes.

 (2) The lands described in the Schedule hereto are hereby ^{Idem} detached from the Town of Burlington and the Township of Nelson and annexed to the City of Hamilton and shall form part of the City of Hamilton and the County of Wentworth for all purposes.

 (3) The areas annexed to the City of Hamilton by this section shall form part of ward 7 of the City of Hamilton ^{Annexed areas part of ward 7} until changed by a redivision of wards.
- 3. The Burlington Beach Commission is hereby dissolved. ^{Commission dissolved}
- 4. The adjustment of assets and liabilities between the City of Hamilton and the Township of Nelson and the Town of Burlington shall be such as may be agreed upon or, failing agreement, as may be determined by the Ontario Municipal Board. ^{Adjustment of assets and liabilities}

Assets and liabilities to Corporation

5.—(1) All assets of the Commission, except assets referred to in subsection 2, are hereby vested in the Corporation and all liabilities of the Commission, except liabilities referred to in subsection 3, hereby become liabilities of the Corporation.

Assets to boards, etc.

- (2) All assets of the Commission in its capacity of,
 - (a) a board of park management are hereby vested in The Board of Park Management for the City of Hamilton;
 - (b) a public school board are hereby vested in The Board of Education for the City of Hamilton.

Liabilities to boards, etc.

- (3) All liabilities of the Commission in its capacity of,
 - (a) a board of park management hereby become liabilities of The Board of Park Management for the City of Hamilton;
 - (b) a public school board hereby become liabilities of The Board of Education for the City of Hamilton.

Moneys due Commission

6. The Corporation may demand, collect and recover from any person having the use or occupation of any property vested in the Commission, or which it manages or controls, any money due for rent or otherwise to the Commission.

Dispute referred to Municipal Board

7. Where any dispute arises as to the adjustment or distribution of any assets or liabilities or as to any other matter in the carrying out of this Act, the dispute may be referred to the Ontario Municipal Board and the decision of the Board shall be final and binding on all parties.

Arrears of taxes in Burlington Beach

8. The Corporation has the right to collect all arrears of taxes owing in the locality annexed to the City of Hamilton under subsection 1 of section 2, including the right to distrain for non-payment of such arrears or, if necessary, the right to sell the lands in respect of which taxes are in arrears for non-payment of such arrears, as if the taxes had been assessed and levied by the Corporation.

Taxes and arrears to belong to Burlington and Nelson

- 9.**—(1) All taxes imposed up to the 31st day of December, 1956,
- (a) by the Town of Burlington in the area detached from the Town and annexed to the City of Hamilton and all arrears of such taxes owing in such area shall belong to the Town of Burlington; and

(b)

(b) by the Township of Nelson in the area detached from the Township and annexed to the City of Hamilton and all arrears of such taxes owing in such area shall belong to the Township of Nelson.

(2) The Corporation of the Town of Burlington and The ^{Collector's} ~~roll~~ Corporation of the Township of Nelson shall prepare and furnish to The Corporation of the City of Hamilton a special collector's roll showing all arrears of taxes or special rates levied or charged against lands in the areas detached from the Town or Township, as the case may be, and annexed to the City of Hamilton up to the 31st day of December, 1956, and the persons assessed therefor.

(3) The Corporation shall have the right to collect all ^{Collection} ~~of arrears~~ ^{of taxes} arrears of taxes owing to the Town of Burlington and to the Township of Nelson in the areas annexed to the City of Hamilton, including the right to distrain for non-payment of such arrears or, if necessary, the right to sell the lands in respect of which taxes are in arrears for non-payment of such arrears, as if the taxes had been assessed and levied by the Corporation.

(4) All such arrears of taxes collected by the Corporation, ^{Arrears to be paid} less the proper costs and expenses of collecting them, shall be paid to the Town or Township to which they belong within ^{Burlington} ~~Nelson~~ six months from the day they were collected.

(5) The Corporation shall not be responsible to the Town ^{Responsibility for} ~~of~~ Burlington or the Township of Nelson for any arrears of ^{uncollectable} taxes that it may be unable to collect.

10. The auditor of the Corporation shall in the year 1957 ^{Audit of} ~~affairs of~~ audit the accounts, affairs and transactions of the Commission ^{Commission} ~~for~~ ¹⁹⁵⁶ for the year 1956.

11. Section 18 of *The Municipal Act* applies to by-laws in ^{By-laws} force in the areas annexed to the City of Hamilton under ^{R.S.O. 1950,} ~~c. 243~~ section 2.

12. The Commission, The Corporation of the Town of ^{Access to} ~~documents etc.~~ Burlington and The Corporation of the Township of Nelson ^{etc.} shall at all reasonable times allow The Corporation of the City of Hamilton, its servants and agents, access to the assessment rolls, plans, surveys, maps, by-laws and other documents of the Commission, Town or Township.

13.—(1) The assessment in the areas annexed to the City ^{Assessment} of Hamilton under section 2 shall be carried out by the Corporation in the year 1956 for the purposes of taxation in

1957 and the assessment shall be added to the assessment roll of the Corporation as if such areas formed part of the City of Hamilton on and after the day this section comes into force.

Appeals
preserved

(2) Nothing in this section affects any right of appeal as provided in *The Assessment Act*.

Application
of R.S.O.
1950, c. 24

(3) Section 55 of *The Assessment Act* shall not apply with respect to such areas.

Election
in 1956

14. The voters' list for the areas annexed to the City of Hamilton under section 2 shall be completed by the Corporation for the purposes of civic elections to be held by the Corporation in 1956 and Parts II, III, IV and V of *The Municipal Act* apply as if such areas were annexed to the City of Hamilton and formed part of ward 7 of the City of Hamilton on and after the day this Act comes into force.

R.S.O. 1950,
c. 43,
repealed

15. *The Burlington Beach Act* is repealed.

Commencement

16.—(1) This Act, except sections 2 to 11 and section 15, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 2 to 11 and section 15 come into force on the 1st day of January, 1957.

Short title

17. This Act may be cited as *The Burlington Beach Annexation Act, 1956*.

SCHEDEULE

ALL AND SINGULAR that certain parcel or tract of land, land under water and premises, situate, lying and being partly in the Town of Burlington and partly in the Township of Nelson, in the County of Halton, Province of Ontario, and being composed of part of Brant's Block in the Broken Front Concession of the Township of Nelson, lying south of King's Highway No. 2, and which said parcel may be more particularly described as follows:

Premising that the western limit of the County of Halton, as shown on Miscellaneous Plan No. 284, deposited in the Registry Office for the Registry Division of the County of Halton, July 5th, 1937, has a bearing of North forty-six degrees, seven minutes and twenty-one seconds West (N. $46^{\circ}07'21''$ W.) and relating all bearings herein thereto.

COMMENCING at the point where the western and southern limits of the County of Halton intersect.

Thence North forty-six degrees and seven minutes and twenty-one seconds West (N. $46^{\circ}07'21''$ W.) along the said western limit of the County of Halton, three thousand, two hundred and twenty-five feet and nine inches ($3,225' 9''$) more or less to where it is intersected by the northern limit of land of the Department of Highways, Ontario.

Thence North forty-one degrees, thirty-one minutes and fifty-five seconds East (N. $41^{\circ}31'55''$ E.) in and along the said northern limit of the Department of Highways' land and its production, one thousand, four hundred and forty-five feet and three and one-half inches ($1,445' 3\frac{1}{2}''$) to a point distant thirty-three feet ($33' 0''$) measured easterly at right angles from the centre line of construction of the present existing roadway connecting the Queen Elizabeth Way and King's Highway No. 20 (Beach Boulevard).

Thence South fifty-one degrees and eight minutes East (S. $51^{\circ}08'$ E.), nine hundred and sixty-two feet and seven and one-quarter inches ($962' 7\frac{1}{4}''$) to a point.

Thence South thirty-four degrees and twenty-seven minutes East (S. $34^{\circ}27'$ E.), four hundred and sixty-one feet and eight inches ($461' 8''$) to a point.

Thence South twenty-two degrees, five minutes and thirty seconds East (S. $22^{\circ}05'30''$ E.), three hundred and thirty-nine feet and eight and one-half inches ($339' 8\frac{1}{2}''$) more or less to its intersection with the western limit of Beach Boulevard as shown on the said Miscellaneous Plan No. 284, the said intersection being distant one thousand, nine hundred and ninety-four feet and three-quarters of an inch ($1,994' \frac{3}{4}''$) measured northerly along the said western limit from the stone monument planted at the intersection of the said western limit of Beach Boulevard and the southern limit of the said County of Halton, as marked on the ground by Commissioners appointed by the Ontario Government and by E. G. Barrow, O.L.S., on behalf of the City of Hamilton. (See notes on plan by Charles Wallace, O.L.S., dated November, 1898.)

Thence North seventy-three degrees and thirty-seven minutes East (N. $73^{\circ}37'$ E.), two hundred and sixty-eight feet ($268' 0''$) more or less to the western shore of Lake Ontario.

Thence southerly along the said western shore of Lake Ontario to its intersection with the said southern limit of the County of Halton.

Thence westerly along said southern limit of the County of Halton, four hundred and eighty feet ($480' 0''$) more or less to the place of beginning.

The above described parcel of land and water containing by admeasurement ninety-two point six nine (92.69) acres be the same more or less and shown outlined in red on City of Hamilton Plan No. A-185A Surveys.

(Plan attached)

CHAPTER 6

The Charitable Institutions Act, 1956

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) "charitable institution" means a building maintained and operated by a charitable organization for persons requiring sheltered care;
- (b) "charitable organization" means a corporation approved as such for the purposes of this Act;
- (c) "Minister" means Minister of Public Welfare;
- (d) "provincial supervisor" means welfare institutions supervisor or welfare institutions inspector and includes any person on the staff of the Department of Public Welfare who is designated as a provincial supervisor by the Minister;
- (e) "regulations" means regulations made under this Act. R.S.O. 1950, c. 49, s. 1, amended.

2. This Act does not apply to a home or joint home under *Where Act not appli-* *The Homes for the Aged Act, 1955*, a private hospital under *The cable* *Private Hospitals Act*, a hospital under *The Public Hospitals Act, 1955*, c. 30; *R.S.O. 1950*, or a sanatorium under *The Sanatoria for Consumptives Act*. R.S.O. 1950, c. 289, 307, 346. R.S.O. 1950, c. 49, s. 2.

3. The Lieutenant-Governor in Council may approve any corporation as a charitable organization for the purposes of organizations this Act. R.S.O. 1950, c. 49, s. 3, part, amended.

4.—(1) The Lieutenant-Governor in Council may approve any building maintained and operated by a charitable organization as a charitable institution for the purposes of this Act.

Charitable institution not to operate without approval

(2) No charitable organization shall maintain or operate any building as a charitable institution until the building is approved under subsection 1. R.S.O. 1950, c. 49, s. 3, *part, amended.*

Change of name

5. No charitable organization shall change its name or the name of any charitable institution maintained and operated by it without the written approval of the Minister. *New.*

By-laws

6. No by-law of a charitable organization with respect to a charitable institution has force or effect until it is approved by the Lieutenant-Governor in Council. R.S.O. 1950, c. 49, s. 7, *amended.*

Approval of plans

7.—(1) No charitable organization shall erect a new building to be used as a charitable institution until the site and plans thereof are approved by the Minister and no charitable organization shall erect an addition to an existing building used or to be used as a charitable institution until the plans thereof are approved by the Minister. *New.*

Provincial subsidy on new buildings and additions

(2) When the site and plans of a new building or the plans of an addition to an existing building have been approved by the Minister under subsection 1, the Lieutenant-Governor in Council may direct payment out of such moneys as are appropriated therefor by the Legislature to the charitable organization erecting the new building or the addition to an existing building of an amount based upon the total bed capacity of the charitable institution at the rate of \$2,500 per bed or of an amount equal to 50 per cent of the cost thereof to such charitable organization, whichever is the lesser, to be computed in accordance with the regulations. 1951, c. 9, s. 1; 1954, c. 7, s. 1, *amended.*

When subsidy payable

(3) Payments under subsection 2 may be made when the new building or the addition to an existing building is completed and ready for occupancy or such payments may be made from time to time during the construction thereof upon such terms and conditions as the Lieutenant-Governor in Council may prescribe. 1951, c. 9, s. 1.

Acquisition of existing buildings

8.—(1) No charitable organization shall purchase or otherwise acquire any building to be used by it as a charitable institution without the written approval of the Minister.

Provincial subsidy on acquired buildings

(2) When the acquisition of a building has been approved by the Minister under subsection 1, the Lieutenant-Governor in Council may direct payment out of such moneys as are appropriated therefor by the Legislature to the charitable organization acquiring the building of an amount based upon

the total bed capacity of the building at the rate of \$750 per bed or of an amount equal to 50 per cent of the cost of the building to the charitable organization, whichever is the lesser, to be computed in accordance with the regulations. *New.*

9. No charitable organization that receives payment of an amount under section 7 or 8 or that has received payment of an amount under section 7a of the predecessor of this Act shall change the site, sell or otherwise dispose of any portion of, or structurally alter, any charitable institution without the written approval of the Minister. *New.*

10. There shall be paid out of such moneys as are appropriated therefor by the Legislature to every charitable organization operating a charitable institution an amount of \$8 per month for each person resident in the institution to be computed in accordance with the regulations. R.S.O. 1950, c. 49, s. 8; 1953, c. 14, s. 1; 1954, c. 7, s. 2, *amended*.

11. A provincial supervisor shall inspect every charitable institution at least once a year, but he may inspect any charitable institution at any time. *New.*

12. Any approval given or deemed to have been given under this Act in respect of any charitable organization or charitable institution may be suspended by the Minister or revoked by the Lieutenant-Governor in Council at any time. R.S.O. 1950, c. 49, s. 3 (3).

13. The Lieutenant-Governor in Council may make regulations,

- (a) specifying charitable institutions for the purpose of any regulation;
- (b) prescribing the kinds of persons that may be cared for in specified charitable institutions;
- (c) prescribing the maximum amounts that charitable organizations may charge persons cared for in charitable institutions or specified charitable institutions;
- (d) designating the medical services that shall be provided for persons cared for in charitable institutions;
- (e) governing the qualifications and the powers and duties of the members of staffs of charitable institutions or of specified charitable institutions;

(f)

- (f) prescribing rules governing charitable institutions or specified charitable institutions and the conduct and discipline of persons who are cared for therein and the staffs thereof;
- (g) prescribing for the purpose of subsection 2 of section 7 the manner of computing the cost to charitable organizations of erecting new buildings or additions to existing buildings;
- (h) prescribing for the purpose of subsection 3 of section 7 the terms and conditions under which payments may be made from time to time during the construction period;
- (i) prescribing for the purpose of section 8 the manner of computing the cost to charitable organizations of acquiring buildings to be used as charitable institutions;
- (j) prescribing for the purpose of section 10 the manner of computing the amount of the grants payable thereunder;
- (k) prescribing the records that shall be kept by charitable organizations and charitable institutions and the returns that shall be made to the Minister by charitable organizations with respect to charitable institutions;
- (l) prescribing the powers and duties of provincial supervisors with respect to charitable organizations and charitable institutions;
- (m) prescribing the forms to be used under this Act;
- (n) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 49, s. 4, amended.

R.S.O. 1950, c. 49;
 1951, c. 9;
 1953, c. 14;
 1954, c. 7,
 repealed **14.** *The Charitable Institutions Act, The Charitable Institutions Amendment Act, 1951, The Charitable Institutions Amendment Act, 1953 and The Charitable Institutions Amendment Act, 1954* are repealed.

Commencement

15.—(1) This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Certain moneys

(2) The moneys required for the purposes of sections 7 and 8 shall during the fiscal year 1956-1957 be paid out of the Consolidated Revenue Fund.

Short title

16. This Act may be cited as *The Charitable Institutions Act, 1956*.

CHAPTER 7

An Act to reconstitute The Institute of Chartered Accountants of Ontario

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "council" means council of the Institute;

(b) "Institute" means The Institute of Chartered Accountants of Ontario. R.S.O. 1937, c. 235, s. 1, *amended*.

2. The Institute of Chartered Accountants of Ontario, ^{Institute} _{continued} constituted a body politic and corporate by *An Act to incorporate the Institute of Accountants of Ontario*, being chapter 62 of the Statutes of Ontario, 1882-3, is continued. *New*.

3. The objects of the Institute are,

Objects

(a) to promote and increase the knowledge, skill and proficiency of its members and students-in-accounts;

(b) to regulate the discipline and professional conduct of its members and students-in-accounts;

(c) to promote and protect the welfare and interest of the Institute and the accounting profession. R.S.O. 1937, c. 235, s. 3, *amended*.

4. The affairs of the Institute shall be managed and ^{Management} conducted by the council in accordance with the by-laws of the Institute. *New*.

5.—(1) The council shall consist of such number, not ^{Council} fewer than fifteen, of the members of the Institute as the by-laws of the Institute from time to time provide. R.S.O. 1937, c. 235, s. 4, *amended*.

(2)

Idem

(2) The members of the council shall have the qualifications, shall be elected or appointed, and shall hold office for such term, as the by-laws of the Institute from time to time provide. R.S.O. 1937, c. 235, s. 5, *amended*.

Officers

6. The council shall elect from among its members a president, one or more vice-presidents, a secretary and a treasurer, or a secretary-treasurer, and shall appoint a registrar and such other officers of the Institute as the by-laws of the Institute from time to time provide. R.S.O. 1937, c. 235, s. 6, *amended*.

Annual meeting

7.—(1) An annual meeting of the members of the Institute shall be held in every year for the transaction of such business as may be brought before the meeting, at such time and place and in such manner as the by-laws of the Institute provide. R.S.O. 1937, c. 235, s. 5 (1), *amended*.

General meetings

(2) Other general meetings of the members of the Institute may be convened and held as the by-laws of the Institute from time to time provide. *New.*

By-laws

8.—(1) The council may from time to time pass by-laws to carry out the objects of the Institute and, without limiting the generality of the foregoing, the council may from time to time pass by-laws,

- (a) to prescribe standards and tests of competency, fitness and moral character, for the registration of students-in-accounts and for membership in the Institute;
- (b) to prescribe fees payable to the Institute;
- (c) to provide for the establishment and maintenance of classes, lectures, courses of study, systems of training, periods of service and examinations;
- (d) to provide for the receipt, management and investment of contributions, donations and bequests from members and others for the benefit of needy members, their families and the families of deceased members or for scholarships and prizes and for contributions from the funds of the Institute for these purposes;
- (e) to provide for the exercise of disciplinary authority over members and students-in-accounts of the Institute by expulsion, suspension or the imposition of any other penalty after due inquiry;
- (f) to provide for rules of professional conduct;
- (g)

(g) to provide for affiliation with any university or college or with any corporation or association having similar or related objects. R.S.O. 1937, c. 235, ss. 2 (2), 9, 12, 18, *amended*.

(2) No such by-law or any amendment thereto shall take ~~Idem~~ effect until it has been approved at an annual meeting of the members of the Institute or at a general meeting of the members of the Institute called to consider such by-law or amendment.

(3) Any such by-law may be annulled by the Lieutenant-Annulment Governor in Council. R.S.O. 1937, c. 235, s. 8 (1, 2).

9. The Institute may from time to time by resolution of the council, Power to hold and charge property

- (a) purchase or otherwise acquire land;
- (b) erect on land held by it or acquire buildings whether or not necessary for the use and occupation of the Institute or for carrying on its undertaking, and lease any part of such buildings;
- (c) hold, mortgage, charge, lease, dispose of, sell, alienate or convey any property, whether real or personal;
- (d) borrow money upon the credit of the Institute, issue bonds, debentures, debenture stock or other securities and pledge or sell such bonds, debentures, debenture stock or other securities. 1953, c. 15, s. 1.

10. There shall be two classes of members of the Institute, Members namely, Fellows and Associates. R.S.O. 1937, c. 235, s. 13.

11. Notwithstanding section 10, any person who has ^{Honorary members} rendered conspicuous service to the Institute may, by the unanimous vote of the members present at any meeting of the members of the Institute, be elected to honorary membership therein, but election to honorary membership does not entitle the person so elected to be elected a member of the council or to vote at meetings of the members of the Institute. R.S.O. 1937, c. 235, *part, amended*.

12. Every member of the Institute has the right to use ^{Designation and} initials the designation "Chartered Accountant" and if he is a Fellow of the Institute he has the right to use the initials "F.C.A." after his name and if he is an Associate of the Institute he has the right to use the initials "A.C.A." or "C.A." after his name. R.S.O. 1937, c. 235, s. 14, *amended*.

| | |
|--|--|
| Prohibitions | 13. —(1) No person, unless he is a member of the Institute, shall take or use the designation "Chartered Accountant" or the initials "F.C.A.", "A.C.A." or "C.A." either alone or in combination with any other words. |
| Idem | (2) No person, unless he is a member of the Institute, shall take or use any other name, title, initials or description implying that he is a chartered accountant or an incorporated accountant. R.S.O. 1937, c. 235, s. 16 (1), <i>part, amended</i> . |
| Idem | (3) No person, unless he is a member of the Institute, shall hold himself out as a chartered accountant. |
| Idem | (4) No person, unless he is a member of the Institute, shall practise as and under the name of a chartered accountant. <i>New.</i> |
| Offence and penalty | (5) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a penalty of not more than \$300 for each offence. R.S.O. 1937, c. 235, s. 16 (2), <i>amended</i> . |
| Honorary member | (6) For the purposes of this section, an honorary member shall be deemed not to be a member of the Institute. R.S.O. 1937, c. 235, s. 15, <i>part, amended</i> . |
| Rights of certain persons not affected | 14. Nothing in this Act shall affect or interfere with the right of any person not a member of the Institute to practise as an accountant in Ontario, nor with the right of any person, not residing or having an office therein, to use any designation as accountant. R.S.O. 1937, c. 235, s. 19. |
| Register | 15. The registrar of the Institute shall keep a register of the members and the students-in-accounts of the Institute. R.S.O. 1937, c. 235, s. 17 (1), <i>amended</i> . |
| Evidence | 16. The certificate of the registrar of the Institute that a person is or is not a member of the Institute is <i>prima facie</i> evidence in all courts and before all persons of the facts therein certified. R.S.O. 1937, c. 235, s. 17 (2), <i>amended</i> . |
| R.S.O. 1937, c. 235; 1953, c. 15, repealed | 17. —(1) <i>The Chartered Accountants Act and The Chartered Accountants Amendment Act, 1953</i> are repealed. |
| Continuation of Institute | (2) Until the Institute is reconstituted under this Act and a by-law passed to that effect, it may, notwithstanding the repeal of the Acts mentioned in subsection 1, continue to operate as if those Acts had not been repealed. |
| Short title | 18. This Act may be cited as <i>The Chartered Accountants Act, 1956</i> . |

CHAPTER 8

An Act to amend The Child Welfare Act, 1954

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of subsection 2 of section 2 of *The Child Welfare Act, 1954*<sup>1954, c. 8,
s. 2, subs. 2,
cl. *c*, re-pealed</sup> is repealed.

2. Subsection 1 of section 6 of *The Child Welfare Act, 1954*<sup>1954, c. 8,
s. 6, subs. 1,
amended</sup> is amended by adding at the end thereof "and until it has been approved by the Lieutenant-Governor in Council", so that the subsection shall read as follows:

(1) A children's aid society may be established having among its objects the protection of children from neglect, the care and control of neglected children, assistance to unmarried parents, the placement of children in adoption, the supervision of children placed in adoption until an order of adoption is made and generally the discharge of the functions of a children's aid society under this Act, but no society may act as such until it has been incorporated under *The Corporations Act, 1953* or a predecessor^{1953, c. 19} thereof and until it has been approved by the Lieutenant-Governor in Council.

3. Subsection 1 of section 9 of *The Child Welfare Act, 1954*<sup>1954, c. 8,
s. 9, subs. 1,
re-enacted</sup> is repealed and the following substituted therefor:

(1) There shall be paid to each children's aid society an annual grant of such amount as the regulations prescribe.

(1a) Where a children's aid society has erected, purchased or otherwise acquired a building for use for any purpose under this Act and the Minister has approved in writing the building and the purpose of its use, the Lieutenant-Governor in Council may direct payment to such society of an amount up to 25 per cent of the cost of the building to such society.

1954, c. 8,
s. 16, subs. 3, **4.**—(1) Subsection 3 of section 16 of *The Child Welfare Act*,
re-enacted 1954 is repealed and the following substituted therefor:

Who may
be heard

(3) The judge may hear any person on behalf of the child, the local director of the children's aid society or any person authorized so to do by the board of directors of the society on behalf of the society, the clerk of a municipality or any person authorized so to do by the council of the municipality on behalf of the municipality, and a district welfare supervisor or district welfare administrator of the Department of Public Welfare or any person authorized so to do by the Minister on behalf of the Province of Ontario.

1954, c. 8,
s. 16,
amended

(2) The said section 16 is amended by adding thereto the following subsection:

Notice to
Province

(4a) Where it appears to the judge that the Province of Ontario may be made liable to pay the rate in respect of the child, he shall not hear or dispose of the matter until he is satisfied that the district welfare supervisor or district welfare administrator of the Department of Public Welfare having responsibility in the area in which the proceedings are being taken has had reasonable notice of the hearing or that every reasonable effort has been made in the opinion of the judge to cause such official to be notified.

1954, c. 8,
s. 16, subs. 5,
re-enacted

(3) Subsection 5 of the said section 16 is repealed and the following substituted therefor:

Taking and
transcribing
evidence

(5) The evidence of every witness shall be given under oath and shall be taken down,

(a) where the proceedings are in a juvenile and family court that has a stenographer who is a member of the staff of such court, by that stenographer; and

(b) where the proceedings are not in a juvenile and family court or where the juvenile and family court does not have a stenographer who is a member of the staff of such court, by a stenographer appointed by the judge,

and the court when requested so to do shall provide a transcript of the evidence.

1954, c. 8,
s. 16, subs. 6,
re-enacted

(4) Subsection 6 of the said section 16 is repealed and the following substituted therefor:

(6) Stenographers appointed under clause *b* of subsection 5 or the employers of such stenographers shall be allowed the fees for taking down and transcribing evidence prescribed by *The Magistrates Act*, 1952, c. 53 1952 and such fees shall,

- (a) for taking down evidence, be paid by the municipality to which the child concerned in the proceedings belongs or where the child belongs to territory without municipal organization, be paid out of moneys appropriated therefor by the Legislature; and
- (b) for transcribing evidence, be paid by the person or authority requesting the transcription.

(5) Subsection 13 of the said section 16 is amended by 1954, c. 8, s. 16, adding at the end thereof "from the date on which the first subs. 13, order under that clause was made", so that the subsection amended shall read as follows:

(13) Where a judge has made an order under clause *b* of subsection 8, the society may at any time during the period of temporary commitment bring the case again before a judge for further consideration and action under this section, and if the temporary commitment has not been earlier terminated, the case shall, at the expiration of the specified period, again be brought before a judge and the judge shall thereupon further inquire and determine whether the circumstances justify an order returning the child to the parent or guardian or other person in whose charge he is, or making a further order under subsection 8, but no such further order shall be made under clause *b* of subsection 8 that results in the temporary commitment of a child for a total period of more than twenty-four months from the date on which the first order under that clause was made.

(6) Subsection 16 of the said section 16 is amended by 1954, c. 8, s. 16, inserting after "society" where it occurs the first time in the second line "under this Part or to a children's aid society under any predecessor of this Part", so that the subsection amended shall read as follows:

(16) Where a child has been permanently committed to the care and custody of a society under this Part or to a children's aid society under any predecessor of this Part, the society shall be the legal guardian of such ward until he has attained the age of eighteen

years, or until he is adopted under Part IV, or until some other legal guardian is appointed, or until the wardship is terminated by a judge under subsection 14, or until an extended guardianship under subsection 17 terminates.

1954, c. 8,
s. 16,
subs. 17,
amended

(7) Subsection 17 of the said section 16 is amended by adding at the end thereof "and, notwithstanding clause d of subsection 8, in any such order the judge shall relieve any municipality paying the rate in respect of the child from liability for the rate during the extended period of wardship", so that the subsection shall read as follows:

Extension of
wardship

(17) Where it is in the interest of the welfare of a ward, a judge may, upon application of the society, make an order extending the wardship for such period as he considers proper beyond the day on which the ward attains the age of eighteen years, but not beyond the day on which the ward attains the age of twenty-one years, and, notwithstanding clause d of subsection 8, in any such order the judge shall relieve any municipality paying the rate in respect of the child from liability for the rate during the extended period of wardship.

1954, c. 8,
s. 16,
subs. 19,
re-enacted

(8) Subsection 19 of the said section 16 is repealed and the following substituted therefor:

Transmission
of copies of
orders

(19) The judge shall cause to be transmitted three certified copies of every order made by him under this section to the society, and the society shall transmit one copy to the Director and one copy to the municipality ordered to pay the rate or relieved from liability for the rate.

1954, c. 8,
amended

5. The Child Welfare Act, 1954 is amended by adding thereto the following section:

Where more
than one
society
functions

19a.—(1) Where another society is established to function in an area in which a society is functioning, the second-named society may, with the written approval of the Director and with the written consent of the first-named society, apply to a judge for an order transferring those of its wards it deems proper to the care and custody of the first-named society, and the judge, if he is satisfied that the first-named society would have been the society named in the orders committing the wards to the care and custody of the second-named society had the first-named society been functioning at the time the orders were made, shall make the order applied for.

- (2) Any society may, with the approval of the Minister, Alteration of jurisdiction where such alteration necessitates the transfer of wards to the care and custody of another society, the transfer shall be made in the same manner as provided under subsection 1.
- (3) Where a ward is transferred under subsection 1 or 2, Effect of transfer the society to which he is transferred is vested with of ward the same powers and obligations with respect to him as the society from which he is transferred.

6. Subsection 1 of section 24 of *The Child Welfare Act, 1954* <sup>1954, c. 8,
s. 24, subs. 1,</sup> re-enacted

- (1) The council of a municipality may by by-law designate one or more members of the council to authorize a children's aid society to furnish temporary care and shelter to a child where the person in charge of the child consents thereto, and where the society furnishes temporary care and shelter to the child it may charge the municipality the rate in respect of the child.

7. Section 29 of *The Child Welfare Act, 1954* is amended by <sup>1954, c. 8,
s. 29,
amended</sup>

- (3) Where a ward of a society is placed in a foster home and in the opinion of the local director it is in the best interest of the ward to place him in adoption, the foster-parents shall not be denied the opportunity of making application to adopt the ward if they so desire.

8. Part III of *The Child Welfare Act, 1954* is repealed and the following substituted therefor:

PART III

PROTECTION OF CHILDREN BORN OUT OF WEDLOCK

38.—(1) In this Part, “judge” means the judge or a deputy judge of a juvenile and family court, a judge, junior judge or acting judge of a county or district court who is designated a judge for the purposes of this Part, or a magistrate who is designated a judge for the purposes of this Part.

(2) Where there is a juvenile and family court, proceedings under this Part shall be heard by the judge or a deputy judge of that court, and where there is no juvenile and family court, proceedings under this Part shall be heard by the judge or a

junior or acting judge of a county or district court or a magistrate designated a judge for the purposes of this Part.

Local
director to
be notified
of certain
births
R.S.O. 1950,
c. 412

39.—(1) The Registrar-General shall notify a local director of the birth of every child born out of wedlock that is registered under *The Vital Statistics Act* and of every birth that is registered under that Act in such a manner as to suggest that the parents are unmarried or unknown, together with such particulars thereof as may be required by the regulations.

Idem

(2) Notification under subsection 1 shall be forwarded to the local director having jurisdiction in the area in which the mother is ordinarily resident, and where the mother is ordinarily resident outside Ontario, to the local director having jurisdiction in the area in which the child is born.

Where local
director not
to interfere

40. Nothing in this Part requires a local director to interfere with the care and maintenance of a child born out of wedlock where the child has been adopted in accordance with the laws of Ontario or where the child is being cared for voluntarily by a person whom the local director considers suitable to have charge of the child.

Agreement
for main-
tenance of
child

41.—(1) Where a child is born out of wedlock and no agreement between the mother and the putative father with respect to the care and maintenance of the child is in force, a local director and the mother of the child may enter into an agreement with the putative father of the child for the payment of money by the putative father in respect of the expenses and maintenance mentioned in subsection 1 of section 50, and, if the financial circumstances of the putative father change at any time, the terms of the agreement may be varied by the parties thereto accordingly.

Idem

(2) Where a putative father enters into an agreement under subsection 1 in which he agrees to pay a fixed amount in respect of the maintenance mentioned in subsection 1 of section 50, the agreement shall provide that such fixed amount be paid within twelve months from the date on which the agreement is made.

Payment of
money under
agreement

(3) The money payable under an agreement made under subsection 1 shall be paid in the first instance to the local director who is a party to the agreement.

Idem

(4) The money so paid to a local director,

(a) if it is paid in respect of the expenses mentioned in subsection 1 of section 50, shall be apportioned, if necessary, and paid over by the local director in accordance with the circumstances of the case to the person or persons who incurred the expenses;

(b)

- (b) if it is paid in periodic payments in respect of the maintenance mentioned in subsection 1 of section 50, shall be paid over by the local director to the person having the care and custody of the child; or
- (c) if it is a fixed amount paid in respect of the maintenance mentioned in subsection 1 of section 50, shall be dealt with by the local director as provided in section 57.

(5) Where the putative father is in default in payment of money under an agreement made under subsection 1, the mother or the local director or the mother and the local director together may make an application to a judge for an affiliation order, and, where the putative father continues in default for a period of sixty days and an application for an affiliation order has not been made, the local director shall within the next following period of thirty days make an application to a judge for an affiliation order.

(6) Where an application for an affiliation order is made under subsection 5, the agreement is *prima facie* proof of paternity that the putative father is in fact the father of the child.

42. In addition to applications under subsection 5 of section 41, an application may be made to a judge for an affiliation order,

- (a) by the mother of a child born out of wedlock;
- (b) by the next friend or guardian of a child born out of wedlock;
- (c) by a local director; or
- (d) with the approval of a local director, by any person or municipality having an apparently legitimate claim for reimbursement of moneys expended or payments of moneys charged in consequence of the mother's pregnancy, the birth of the child, the death of the child, the maintenance of the child or the maintenance of the mother.

43. A local director may institute or continue proceedings under this Part even though the mother has died.

44. No affiliation order shall be made under section 50 unless the application therefor is made in the lifetime of the putative father, and

- (a) within two years from the birth of the child;

(b)

- (b) within one year after the doing of any act on the part of the putative father that affords evidence of acknowledgment of paternity;
- (c) within one year after the return to Ontario of the putative father where he was absent from Ontario at the expiration of the period of two years from the birth of the child; or
- (d) the putative father has failed in whole or in part to carry out the terms of any agreement entered into under this Part.

Powers of judge

45. In proceedings under this Part, a judge has the power of summoning any person and requiring him to give evidence on oath and to produce all documents and things as may be relevant and has the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases.

Proceedings to be private

46. All proceedings under this Part shall be heard by a judge in private.

Corroboration evidence required

47. No affiliation order shall be made under section 50 upon the evidence of the mother of the child unless her evidence is corroborated by some other material evidence.

Appointment for hearing; notice

48.—(1) Where an application for an affiliation order is made to a judge, the judge shall appoint in writing a time and place at which the application will be heard and notice in writing thereof shall be served personally or in such other manner as the judge directs upon the putative father at least seven days before the day so appointed.

Arrest of putative father

(2) Where the judge is satisfied that there is good and probable cause for believing that the putative father of the child is in fact the father of the child and that the putative father is about to quit the territorial jurisdiction of the judge with the intention of avoiding service of the notice in writing referred to in subsection 1 or of evading his obligations in respect of the child and his mother, whether before or after an affiliation order has been made, the judge may issue a warrant for the arrest of the putative father and upon his arrest may require him to give security for such sum and in such manner and upon such condition as the judge may direct, and if the security is not given, the judge may order the putative father to be imprisoned for a period of not more than three months unless the security is sooner given or the putative father has sooner complied with the condition so imposed.

49. Where the putative father who has been served with notice of the application under section 48 fails to appear at the hearing or to show sufficient reason for not appearing to thereat, the judge in the absence of the putative father and upon sufficient evidence being adduced before him may make an affiliation order against the putative father under section 50 or the judge may make such other order as he considers just.

50.—(1) Where the putative father appears in pursuance of the notice of the application served upon him under section 48, the judge upon sufficient evidence being adduced before him may make an order declaring the putative father to be in fact the father of the child and requiring him, in accordance with the circumstances of the case,

- (a) to pay the reasonable expenses for the maintenance and care, medical or otherwise, of the mother of the child during her pregnancy and at the birth of the child, her burial expenses if she dies as a consequence of her pregnancy or of the birth of the child, and the burial expenses of the child if he has died; and
- (b) to make periodic payments or to pay a fixed amount for the maintenance of the child until he attains the age of sixteen years or until he is adopted under Part IV or until he dies.

(2) A judge may in any affiliation order made under this section order the mother of the child to make periodic payments or to pay a fixed amount to assist in the maintenance of the child until he attains the age of sixteen years or until he is adopted under Part IV or until he dies.

(3) In estimating the amount of the periodic payments or the fixed amount for maintenance to be paid by the father under subsection 1, the judge shall fix such payments or amount as will enable the child to maintain a reasonable standard of life having regard to what the child would have enjoyed had he been born to his parents in lawful wedlock, but the judge shall take into consideration the ability of the father to provide such payments or amount and the ability of the mother to assist in the maintenance of the child.

(4) Any fixed amount ordered to be paid under this section shall be paid within twelve months from the date of the affiliation order.

(5) Any balance of a fixed amount paid under this section shall, if the child dies before attaining the age of sixteen years, revert to the father or mother, as the case may be, unless otherwise ordered by a judge.

Payment of
money under
affiliation
order

51.—(1) Any money payable under an affiliation order made under section 50 shall be paid in the first instance to the judge making the order.

Idem

(2) Any money so paid for expenses under subsection 1 of section 50 shall be apportioned, if necessary, and paid over in accordance with the circumstances of the case to the person or persons who incurred the expenses.

Idem

(3) Any money so paid as periodic payments for maintenance under subsection 1 or 2 of section 50 shall be paid over to the person having the care and custody of the child on whose behalf the payments were made.

Idem

(4) Any money so paid as a fixed amount for maintenance under subsection 1 or 2 of section 50 shall be dealt with by the judge as provided in section 57.

Order to
report
officer

52.—(1) Where an order for the payment of money is made in an affiliation order under this Part and the child for whose benefit the order is made is a public charge or the judge is of the opinion that if there is default therein the child is likely to be a public charge, the judge may, in the order, order any person required to make payments thereunder to report to a probation officer at such times and places as the judge deems necessary for the purpose of ensuring that such person is complying with the order.

Officer
to be
designated

(2) Where a judge orders a person to report to a probation officer under this section, he shall designate the officer and may by further order change the designation.

Failure to
report

(3) Every person who without reasonable excuse fails to report to a probation officer when ordered so to do under this section is guilty of an offence and on summary conviction is liable to imprisonment for a term of not more than three months.

Proof of
order

(4) An order made under this section certified by the judge or a certificate of a judge as to the making of an order by him is receivable in evidence as proof of the making of such order in any prosecution under this section without proof of the office or signature of the person certifying.

Re-opening
of applica-
tion

53. Where an application for an affiliation order has been dismissed, a judge may, on the discovery of new evidence or of fraud, grant leave to re-open and may re-open and reconsider such application.

Variation
of orders

54. Where an order for the payment of money has been made in an affiliation order under this Part, a judge may at

any time vary or rescind the order for the payment of money as he sees fit and any order so varied may be enforced in the same manner as the original order.

55.—(1) Within thirty days of the making of an order under ^{Appeal} this Part, any person may appeal from the order to the Court of Appeal with leave of a judge of the Supreme Court.

(2) On any such appeal, the Court of Appeal may make ^{Idem} such order as the Court considers proper.

56. Any order made under this Part may be enforced in ^{Enforcement of orders} the same manner and by the like proceedings as,

(a) an order made under *The Deserted Wives' and Children's Maintenance Act*; ^{R.S.O. 1950, c. 102}

(b) an order made or fine imposed under *The Summary Convictions Act*; ^{R.S.O. 1950, c. 379}

(c) a judgment of the division court, where the order has been filed with the clerk of a division court, whereupon proceedings by way of execution or judgment summons, *inter alia*, may be used to enforce the order.

57.—(1) The portion of a fixed amount paid under an agreement made under section 41 or under an affiliation order made under section 50 that is not required immediately by the local director who is a party to the agreement or by the judge who made the order, as the case may be, to pay the expenses or the maintenance mentioned in subsection 1 of section 50 shall be paid over to the Public Trustee by the judge or the local director. ^{Money not immediately required}

(2) Money so paid over shall be invested by the Public Trustee but is subject to withdrawal of any amounts from time to time upon the written requisition of a judge or of a local director. ^{to be invested}

58.—(1) An agreement made under section 41 or an order for payment of money in an affiliation order made under subsection 1 of section 50 binds the estate of the putative father or father after his death and any moneys payable thereunder are a debt due from and chargeable upon his estate and are recoverable at the suit of the local director in the case of an agreement or the person having the care and custody of the child in the case of an order, but every such agreement or order is, as to any payment falling due before or after his death, subject to review under section 54. ^{Deceased father's estate bound}

Proceedings
after death
of father

(2) No action or other proceeding shall be taken on any such agreement or order after the death of the putative father or father without the leave of a judge of the court in which the action or other proceeding is to be brought, and the judge before granting leave shall direct notice to be given to the widow and legitimate children of the putative father or father and to all other persons interested in his estate.

Widow, etc.,
not to be
prejudiced

(3) Where in any such action or other proceeding it appears to the judge that the terms of the agreement or order cannot be carried out without depriving the widow or legitimate children of the putative father or father of necessary maintenance, the judge may, having regard to all the circumstances, vary the agreement or order to such an extent and in such manner as to make equitable provision for the widow, the legitimate child or children and the child or children born out of wedlock.

Transfer of
existing
orders
1954, c. 8,

9.—(1) Where proceedings under a predecessor of Part III of *The Child Welfare Act, 1954*, as re-enacted by section 8, have been completed before the 1st day of July, 1956, and an order for the payment of money is in force on that day, the order and all relevant documents shall, upon the written requisition of the Director of Child Welfare, be transferred to him by the judge or magistrate who made the order, or his successor, and, upon receipt of the order and documents, the Director shall forward a receipt therefor to the judge from whom they were received.

Idem

(2) The Director shall, within fifteen days after the receipt of an order and documents under subsection 1, transfer the order and such relevant documents in his possession as he considers appropriate to the judge who would have had jurisdiction if the order had been made under Part III of *The Child Welfare Act, 1954*, as re-enacted by section 8, and upon receipt of the order and documents the judge shall forward a receipt therefor to the Director.

Idem

(3) The judge shall, upon receipt of an order and documents under subsection 2, proceed with the order in all respects as though it had been made under Part III of *The Child Welfare Act, 1954*, as re-enacted by section 8.

Completion
of pro-
ceedings

10.—(1) Where proceedings under a predecessor of Part III of *The Child Welfare Act, 1954*, as re-enacted by section 8, are not completed before the 1st day of July, 1956, such proceedings shall be completed under such predecessor as though this Act had not been passed.

Idem

(2) As soon as any such proceedings are completed, the provisions of section 9 apply *mutatis mutandis*.

11.—(1) Where an agreement made under a predecessor of Part III of *The Child Welfare Act, 1954*, as re-enacted by section 8, is in force on the 1st day of July, 1956, the Director of Child Welfare shall transfer the agreement and such relevant documents in his possession as he considers appropriate to the local director who would have been a party to the agreement if it had been made under Part III of *The Child Welfare Act, 1954*, as re-enacted by section 8, and the local director shall forward a receipt therefor to the Director. Transfer of existing agreements

(2) The local director shall, upon receipt of an agreement ^{Idem} and documents under subsection 1, proceed with the agreement in all respects as though it had been made under Part III of *The Child Welfare Act, 1954*, as re-enacted by section 8. ^{1954, c. 8}

(3) Notwithstanding subsection 2, where a putative father ^{Agreements in default} is in arrears in the payment of money under an agreement transferred to a local director under subsection 1, the local director shall endeavour to collect the arrears from the putative father or bring about an agreement under section 41 of *The Child Welfare Act, 1954*, as re-enacted by section 8, but in the event that he fails to collect such arrears or to bring about such agreement before the 31st day of December, 1956, he shall apply to a judge for an affiliation order within thirty days thereafter.

12. Section 74 of *The Child Welfare Act, 1954* is repealed ^{1954, c. 8, s. 74, re-enacted} and the following substituted therefor:

74. An adoption order in respect of a person over twenty-one years of age or who is under twenty-one years of age and has been married shall not be made unless the court is satisfied that the person to be adopted has in fact been in the custody of, brought up, maintained and educated by the applicant as his own child during infancy or until marriage, as the case may be, under a *de facto* adoption. ^{Persons over 21}

13. Section 85 of *The Child Welfare Act, 1954* is amended ^{1954, c. 8, s. 85, amended} by adding thereto the following clause:

(bb) prescribing the records that shall be kept by children's aid societies and the returns that shall be made to the Minister under this Act or any Part thereof.

14.—(1) This Act, except sections 3, 8, 9, 10 and 11, ^{Commencement} comes into force on the day it receives Royal Assent.

(2) Sections 8, 9, 10 and 11 come into force on the 1st ^{Idem} day of July, 1956.

(3) Section 3 comes into force on a day to be named by ^{Idem} the Lieutenant-Governor by his Proclamation, which day

may be the day on which, or any day before or any day after the day on which, the Proclamation is made.

Short title

15. This Act may be cited as *The Child Welfare Amendment Act, 1956.*

CHAPTER 9

An Act to amend The Conservation Authorities Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Conservation Authorities Act* is amended by adding R.S.O. 1950,
thereto the following sections: c. 62,
amended

- 4a.—(1) In this section, “Metropolitan Conservation Authority” means The Metropolitan Toronto and Region Conservation Authority.
- (2) There is hereby constituted an authority to be known as The Metropolitan Toronto and Region Conservation Authority.
- (3) The Etobicoke-Mimico Conservation Authority, the Humber Valley Conservation Authority, the Don Valley Conservation Authority, and the Rouge, Duffin, Highland, Petticoat Conservation Authority established under this Act are hereby dissolved.
- (4) All the assets and liabilities of the authorities dissolved by this section are hereby vested in and become assets and liabilities of the Metropolitan Conservation Authority.
- (5) The Municipality of Metropolitan Toronto, the townships of Adjala, Albion, Caledon, Chinguacousy, King, Markham, Mono, Pickering, Toronto, Gore, Uxbridge, Vaughan and Whitchurch, the towns of Ajax and Brampton and the villages of Bolton, Markham, Pickering, Richmond Hill, Stouffville and Woodbridge are hereby designated as the participating municipalities in the Metropolitan Conservation Authority for the purposes of this Act.
- (6) The Metropolitan Conservation Authority shall have jurisdiction in all matters provided for in this Act over

over an area composed of all areas under the jurisdiction of the four authorities dissolved by this section immediately prior to the coming into force of this section, together with all other areas lying between the westerly limit of the area under the jurisdiction of the Etobicoke-Mimico Conservation Authority and the easterly limit of the area within the jurisdiction of the Rouge, Duffin, Highland, Petticoat Conservation Authority and which front on Lake Ontario and together with the area known as Toronto Island.

**Adjala,
Caledon and
Mono to be
one muni-
cipality**

- (7) For the purposes of appointing members to the Metropolitan Conservation Authority, the townships of Adjala, Caledon and Mono shall be considered as one municipality.

Members

- (8) Notwithstanding section 8, the number of members appointed to the Metropolitan Conservation Authority by The Municipality of Metropolitan Toronto shall at all times be equal to the total number of members appointed by the other participating municipalities.

**Minister
may appoint
one member**

- (9) The Minister may appoint one member to the Metropolitan Conservation Authority but no appointment shall be made to the Metropolitan Conservation Authority under subsection 2 of section 8.

**Advisory
boards**

- (10) At the first meeting of the Metropolitan Conservation Authority and thereafter at the first meeting held in each calendar year, the Metropolitan Conservation Authority, from among its members, shall appoint four advisory boards,

(a) one for the Etobicoke Creek, the Mimico Creek and the New Toronto Creek watersheds, consisting of not less than six members;

(b) one for the Humber River watershed, consisting of not less than eight members;

(c) one for the Don River watershed, consisting of not less than six members; and

(d) one for the Rouge River, Duffin Creek, Highland Creek and Petticoat Creek watersheds, consisting of not less than seven members.

(11)

- (11) No person shall be a member of an advisory board appointed under subsection 10 unless he is resident in the watershed or watersheds for which such board is appointed.

17.—(1) Subject to the approval of the Minister, an authority may make regulations applicable in the area under its jurisdiction,

- (a) restricting and regulating the use of water in or from rivers, streams, inland lakes, ponds, swamps and natural or artificially-constructed depressions in rivers or streams;
- (b) regulating the location of ponds used as a source of water for irrigation;
- (c) providing for the appointment of officers to enforce the provisions of any regulation passed under this section.

(2) No regulation passed under this section shall,

Exceptions

- (a) limit the use of water for domestic or live stock purposes;
 - (b) interfere with any rights or powers conferred upon a municipality;
 - (c) interfere with any rights or powers of The Hydro-Electric Power Commission of Ontario or of any board or commission which is performing its functions for or on behalf of the Government of Ontario;
 - (d) interfere with any rights or powers under *The Lakes and Rivers Improvement Act*; or
 - (e) interfere with any rights or powers under *The Public Utilities Act*.
- (3) Every person who contravenes or fails to comply with any regulation made under this section is guilty of an offence and on summary conviction is liable to a penalty of not more than \$1,000 or to a term of imprisonment of not more than three months.

2. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commencement

3. This Act may be cited as *The Conservation Authorities Amendment Act, 1956*.

Short title

CHAPTER 10

An Act to amend The Conveyancing and Law of Property Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Conveyancing and Law of Property Act* is amended R.S.O. 1950,
by adding thereto the following section: c. 68,
amended

3a. A limitation in a conveyance or will which heretofore would have created an estate tail shall be construed as an estate in fee simple or the greatest estate that the grantor or testator had in the land. Estate tail to be construed as fee simple

2.—(1) Subsection 1 of section 4 of *The Conveyancing and Law of Property Act* is repealed and the following substituted R.S.O. 1950,
therefor: c. 68, s. 4,
subs. 1,
re-enacted

(1) In a conveyance it shall not be necessary, in the limitation of an estate in fee simple, to use the word heirs.

(2) Subsection 2 of the said section 4 is amended by R.S.O. 1950,
striking out “in tail, in tail male or in tail female, according subs. 2,
to the limitation intended” in the second and third lines, so amended that the subsection shall read as follows:

(2) For the purpose of such limitation it shall be sufficient Idem in a conveyance to use the words in fee simple, or to use any other words sufficiently indicating the limitation intended.

3. Notwithstanding *The Estates Tail Repeal Act, 1956*, *The Statutory Fraudulent Conveyances Amendment Act, 1956*, *The Limitations Amendment Act, 1956*, *The Real Property Amendment Act, 1956*, and *The Settled Estates Amendment Act, 1956*, the provisions repealed to apply to existing estates tail 1956, cc. 19, 25, 40, 76, 84 statutory provisions therein repealed continue to apply to estates tail in existence at the time this Act comes into force.

4. This Act may be cited as *The Conveyancing and Law of Property Amendment Act, 1956*. Short title

CHAPTER

CHAPTER 11

The Co-operative Loans Act, 1956

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means The Co-operative Loans Board of Ontario;
- (b) "co-operative association" means a co-operative corporation of producers of farm products to which Part V of *The Corporations Act, 1953* applies and ^{1953, c. 19} incorporated for the purpose of grading, cleaning, packing, storing, drying, processing or marketing farm products;
- (c) "farm products" includes animals, meats, eggs, poultry, wool, dairy products, grains, seeds, fruit, fruit products, vegetables, vegetable products, maple products, honey, tobacco and such articles of food or drink manufactured or derived in whole or in part from any such product and such other natural products of agriculture as may be designated by the regulations;
- (d) "Minister" means Minister of Agriculture;
- (e) "regulations" means regulations made under this Act;
- (f) "Treasurer" means Treasurer of Ontario. R.S.O. 1950, c. 69, s. 1, *amended*.

2.—(1) There is hereby constituted on behalf of Her Majesty in right of Ontario a corporation without share capital under the name "The Co-operative Loans Board of Ontario".

(2)

| | |
|---------------------------------|---|
| Composition | (2) The Board shall be composed of such three persons in the public service of Ontario as the Lieutenant-Governor in Council may appoint. |
| Chairman, vice-chair- man | (3) The Lieutenant-Governor in Council may designate one of the members as chairman and one as vice-chairman of the Board. |
| Vacancies | (4) The Lieutenant-Governor in Council may from time to time fill any vacancy in the membership of the Board. |
| Quorum | (5) A majority of the members of the Board constitutes a quorum. |
| Staff | (6) The staff of the Board may consist of a secretary and such other officers and servants as are appointed from time to time under <i>The Public Service Act</i> for the purposes of the Board. |
| R.S.O. 1950, c. 317 | |
| Assistance | (7) In the administration of its affairs the Board may be assisted by such persons in the public service of Ontario as the Treasurer assigns for the purpose. |
| By-laws | (8) Subject to the approval of the Lieutenant-Governor in Council, the Board may make by-laws for the conduct of its affairs. <i>New.</i> |
| Annual report | (9) The Board shall make a report annually to the Minister of all loans made during the previous year and of such other matters relating to the work of the Board as the Minister may require. |
| Idem | (10) A copy of the report shall be filed with the Provincial Secretary, who shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session. R.S.O. 1950, c. 69, s. 6, <i>amended</i> . |
| Conditions of loan | 3. No loan shall be made to a co-operative association unless an agreement is entered into by the co-operative association and the Minister in the form prescribed by the regulations providing such limitations and conditions as will ensure that the control of the management and operation of the co-operative association remains in the producers until the loan is repaid. R.S.O. 1950, c. 69, s. 2 (2). |
| Power to make loans | 4. —(1) The Lieutenant-Governor in Council may make a loan to any co-operative association to enable it to carry out its objects to an amount not exceeding 50 per cent of the value of the real property of the co-operative association on which the loan is to be made, but in no case to exceed the sum of \$100,000. R.S.O. 1950, c. 69, s. 3 (1), <i>amended</i> . |

(2) A loan shall be made to a co-operative association Application only on its application to the Board in the form prescribed by the regulations. *New.*

5.—(1) Every loan shall be secured by a first mortgage Security for on the real property of the co-operative association made in ^{loan} favour of the Treasurer in accordance with *The Short Forms* R.S.O. 1950, c. 362
of Mortgages Act.

(2) Every mortgage may contain such covenants, pro- Rights and visoes and conditions as the Treasurer may deem proper, and ^{powers of} the Treasurer has and may exercise all the rights, powers and remedies with respect to any mortgage made under this Act that a mortgagee has and may exercise under the laws of Ontario.

(3) All notices, mortgages, discharges and other documents Preparation of documents that may be made under this Act, except an agreement made with the Minister, shall be prepared by a person designated by the Treasurer. R.S.O. 1950, c. 69, s. 5 (2-4).

(4) In addition to the security required by subsection 1, Additional security every loan may be further secured at the time the loan is made by a chattel mortgage to the Treasurer on such chattels of the co-operative association as the Board may determine. R.S.O. 1950, c. 69, s. 5 (1), *amended.*

6.—(1) The rate of interest payable on a loan under this Rate of interest Act shall be determined by the Lieutenant-Governor in Council at the time the loan is made. R.S.O. 1950, c. 69, s. 4 (1), *amended.*

(2) Repayment of a loan shall be commenced not later than Repayment of loan one year from the date of the making of the loan and the terms of repayment shall provide that at least 50 per cent of the principal will be repaid within ten years and that the remaining 50 per cent will be repaid within twenty years from such date, and every agreement shall contain provisions to ensure such repayment. R.S.O. 1950, c. 69, s. 4 (2), *part, amended.*

(3) Subject to subsection 2, any portion of the principal Acceleration outstanding may be repaid at any time at the option of the co-operative association. R.S.O. 1950, c. 69, s. 4 (2), *part.*

7. Every co-operative association having a loan under this Returns Act shall make such annual or other reports, returns and statements to the Board as the regulations may prescribe. R.S.O. 1950, c. 69, s. 7.

Notice of
meeting

8. Every co-operative association having a loan under this Act shall by notice, given to the Board in the same manner as notice of meetings is given to its members or shareholders, inform the Board of the time and place of every meeting of its members or shareholders and the Board or its representative may attend any such meeting. R.S.O. 1950, c. 69, s. 8, *amended*.

Board may
require
meeting

9. If required by the Board, the board of directors of a co-operative association having a loan under this Act shall call a meeting of its directors or members or shareholders at such time and place as the Board may direct for the purpose of inquiring into its affairs. R.S.O. 1950, c. 69, s. 9, *amended*.

Inspection
of books, etc.

10.—(1) The Treasurer may appoint a person to inspect the books, accounts and property of any co-operative association having a loan under this Act and may empower such person to summon witnesses and enforce the production of documents before him and take evidence upon oath.

Idem

(2) The Board may inspect the property of any co-operative association having a loan under this Act and may order such alterations or repairs to be made to such property for the purpose of better securing the loan. R.S.O. 1950, c. 69, s. 10, *amended*.

Extension
of Act

11. The Lieutenant-Governor in Council may extend the application of this Act to any corporation for the purpose of enabling it to provide cold storage facilities for the producers of farm products if more than 50 per cent of the issued shares of its capital stock is held by producers of farm products and in any such case the corporation shall be deemed to be a co-operative association for the purposes of this Act. R.S.O. 1950, c. 69, s. 2 (2), *amended*.

Guarantee
of loans

12.—(1) The Lieutenant-Governor in Council may upon such terms as he deems proper agree to guarantee and may guarantee the payment of any loan and the interest thereon made to a co-operative association, and the form and manner of the guarantee shall be such as the Lieutenant-Governor in Council may approve, and the guarantee shall be signed by the Treasurer or such other officer or officers as may be designated by the Lieutenant-Governor in Council, and upon being so signed the Province of Ontario is liable for the payment of the loan and interest thereon guaranteed according to the terms of the guarantee, and the Lieutenant-Governor in Council may make arrangements for supplying the money necessary to fulfil the requirements of any guarantee and to advance the amount necessary for that purpose out of the public funds of the Province, and any guarantee so signed is conclusive evidence that the terms of this section have been complied with.

(2) Sections 3, 5, 7, 8, 9 and 10 relating to loans apply <sup>Application
of ss. 3, 5,</sup> *mutatis mutandis* to guarantees made under this section. ⁷⁻¹⁰ R.S.O. 1950, c. 69, s. 15, *amended*.

13. Every subsisting loan and guarantee of bank loan <sup>Existing
loans and</sup> made under *The Co-operative Marketing Loans Act*, or any guarantees predecessor thereof, shall be deemed to have been made under <sup>R.S.O. 1950,
c. 69</sup> this Act. *New.*

14. The Lieutenant-Governor in Council may make ^{Regulations} regulations,

- (a) designating any article of food or drink manufactured or derived in whole or in part from a farm product and any natural product of agriculture to be a farm product;
- (b) prescribing the forms required under this Act;
- (c) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 69, s. 12, *amended*.

15. *The Co-operative Marketing Loans Act* is repealed. R.S.O. 1950,
^{c. 69, re-}pealed

16. This Act comes into force on the day it receives Royal Assent. Commencement

17. This Act may be cited as *The Co-operative Loans Act*, Short title 1956.

CHAPTER 12

**An Act to amend
The County Court Judges' Criminal Courts Act**

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The County Court Judges' Criminal Courts Act* is amended by adding thereto the following subsection: R.S.O. 1950,
c. 74, s. 1,
amended

(3) The clerk of the peace for the county or district Clerk of court shall be the clerk of the court so constituted.

2. This Act may be cited as *The County Court Judges' Criminal Courts Amendment Act, 1956*. Short title

CHAPTER 13

An Act to amend The Credit Unions Act, 1953

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses *c*, *d* and *e* of section 4 of *The Credit Unions Act, 1953*, c. 26, s. 4, cls. c-e,
repealed are repealed.

(2) The said section 4 is amended by adding thereto the following subsection: 1953, c. 26
s. 4,
amended

(2) As incidental and ancillary to the objects set out Ancillary
powers in subsection 1, a credit union may,

- (a) make loans to other credit unions;
- (b) deposit moneys with and make loans to any league incorporated under section 49 provided that the amount so deposited or loaned does not exceed 25 per cent of its share capital and deposits;
- (c) invest moneys to an extent not exceeding 25 per cent of its share capital in the paid-up shares of other credit unions or of any league incorporated under section 49;
- (d) subject to confirmation by its members at an annual or special general meeting, make donations and gifts out of its surplus income or any undivided earnings, other than the guarantee fund, for the purpose of advancing the interests of the credit union or of credit unions generally.

2. Section 20 of *The Credit Unions Act, 1953*, as amended 1953, c. 26,
s. 20,
amended by section 5 of *The Credit Unions Amendment Act, 1954*, is amended further amended by adding thereto the following subsection:

(3) A member is not liable to the credit union for shares Member's
liability
for shares subscribed for in excess of the amount actually paid thereon.

1953, c. 26,
s. 27, subs. 3
(1954, c. 17,
s. 9, subs. 2),
amended **3.** Subsection 3 of section 27 of *The Credit Unions Act*, 1953, as re-enacted by subsection 2 of section 9 of *The Credit Unions Amendment Act, 1954*, is amended by striking out "or have on loan" in the second and third lines, so that the subsection shall read as follows:

Loans to
officers

- (3) No officer or member of a committee or of the board of directors of a credit union shall borrow an amount in excess of the aggregate of his fully paid-up shares and deposits unless such loan is approved by the directors and the supervisory committee in addition to the approval required by the credit committee.

1953, c. 26,
s. 30 (1954),
c. 17, s. 12),
subs. 1,
re-enacted

4.—(1) Subsection 1 of section 30 of *The Credit Unions Act, 1953*, as re-enacted by section 12 of *The Credit Unions Amendment Act, 1954*, is repealed and the following substituted therefor:

Supervisory
committee

- (1) Subject to subsection 15, every credit union shall at its first general meeting elect from its members a supervisory committee of three members, who shall not be members of the board of directors or the credit committee or officers of the credit union, and who shall hold office for such term as the by-laws prescribe and until their successors are elected.

1953, c. 26,
s. 30 (1954),
c. 17, s. 12),
amended

(2) The said section 30 is amended by adding thereto the following subsection:

Delegation
of powers
to board of
directors

- (15) Where a credit union pursuant to subsection 11 has passed a by-law appointing an auditor or auditors to perform the duties of the supervisory committee set forth in subsections 7 and 10, the by-law may delegate the remaining powers and duties of the supervisory committee to the board of directors and provide that so long as the by-law remains in force it is not necessary to elect the supervisory committee as required by subsection 1.

1953, c. 26,
s. 38,
re-enacted

5. Section 38 of *The Credit Unions Act, 1953* is repealed and the following substituted therefor:

Nomination
of successor

- 38.—(1)** A member of a credit union over the age of sixteen years having on deposit and as payment for shares an amount not exceeding \$500 may by a writing signed by him and deposited with the credit union nominate any person to receive the money at his death and may from time to time by a further writing signed by him and deposited with the credit union alter or revoke such nomination or substitute a new nominee to receive the money at his death.

- (2) Upon receiving an affidavit of the death of a member, ^{Payment to successor} the directors of the credit union may pay to the nominee the amount due to the deceased member.

6. *The Credit Unions Act, 1953* is amended by adding ^{1953, c. 26, amended} thereto the following sections:

39a. Where moneys are held by a credit union to the ^{Unclaimed credits} credit of one of its members by reason of a deposit made or shares held by such member and the credit union is unable after reasonable efforts to locate the person entitled to such moneys, the credit union may pay such moneys to the Treasurer of Ontario and the Treasurer of Ontario may pay such moneys to the person entitled thereto upon satisfactory proof being furnished by such person that he is the person entitled to receive such moneys.

40a. At each annual meeting a credit union may by ^{Dividends on shares held during year} resolution upon the recommendation of the board of directors declare a dividend payable to all members at the end of the previous fiscal year on the amounts paid in on shares held by such members at any time during the year as may be determined by the resolution.

7. Section 45 of *The Credit Unions Act, 1953*, as amended ^{1953, c. 26, s. 45, amended} by section 16 of *The Credit Unions Amendment Act, 1954*, is further amended by striking out "two" in the amendment of 1954 and inserting in lieu thereof "three", so that the section shall read as follows:

45. A credit union shall not later than three months ^{Annual statements} after the end of its fiscal year deliver to the registrar, in the form prescribed by him, an audited statement of its receipts and expenditures, assets and liabilities, and such statement shall also contain such other information as he may require.

8. Subsection 6 of section 49 of *The Credit Unions Act, 1953*, ^{1953, c. 26, s. 49, subs. 6 amended} is amended by striking out "50 cents" in the third line and inserting in lieu thereof "\$1", so that the subsection shall read as follows:

(6) A credit union that is a member of a league may by ^{Assessment of members for league} by-law provide for a yearly assessment of each of its members of an amount not to exceed \$1, which amounts shall be forwarded to the league to assist in its financing.

9. This Act may be cited as *The Credit Unions Amendment Act, 1956*. ^{Short title}

CHAPTER 14

An Act to amend The Crown Timber Act, 1952

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Crown Timber Act, 1952* is amended by adding^{1952, c. 15,} ~~amended~~ thereto the following section:

3a. The Minister, with the approval of the Lieutenant-^{Crown management unit} Governor in Council, may designate any public lands as a Crown management unit and enter into agreement with any person for the supply of Crown timber to such person from such unit for such term of years and in such manner as he may agree upon.

2. Section 6 of *The Crown Timber Act, 1952* is amended<sup>1952, c. 15,
s. 6,
amended</sup> by adding thereto the following subsection:

(2) Where it appears that Crown timber has been cut^{Idem} without the authority of a licence and there is a dispute as to the boundaries of the area of the cutting, the Minister may cause a survey to be made to establish or re-establish such boundaries, and where as a result of the survey it is established that Crown timber was cut without authority, the cost of the survey, in addition to any penalty that may be imposed, shall be borne by the person responsible for such cutting.

3. Section 12 of *The Crown Timber Act, 1952* is amended<sup>1952, c. 15,
s. 12,
amended</sup> by adding thereto the following subsection:

(2) Where a licensee is in default of any Crown charges, ^{Default of charges} the Minister may withhold the approval mentioned in subsection 1 until such charges are paid.

4. *The Crown Timber Act, 1952* is amended by adding^{1952, c. 15,} ~~amended~~ thereto the following section:

Certificate
and
affidavit or
declaration

- 13a.** Every person who applies to the Department for a customs clearance document relating to the export of timber shall make a statement by affidavit or by solemn declaration respecting the timber in such form as the Minister may prescribe.

1952, c. 15,
s. 15,
amended

- 5.** Section 15 of *The Crown Timber Act, 1952* is amended by striking out "be verified by the oath of the person who made the entries therein or by the licensee and shall" in the fifth, sixth and seventh lines, so that the section shall read as follows:

Records

- 15.** Every licensee shall keep in connection with every cutting operation such records relating to the quantity of timber cut as may be required by the Minister and such records shall be open at all times to the inspection of any officer or agent and shall at the end of each cutting season be delivered to an officer or agent.

1952, c. 15,
s. 17,
amended

- 6.** Section 17 of *The Crown Timber Act, 1952* is amended by inserting after "cut" in the second line "by a licensee" and by striking out "a" in the second line and inserting in lieu thereof "any", so that the section shall read as follows:

Lien for
Crown
charges

- 17.** All Crown charges shall be a lien and charge upon timber cut by a licensee under the authority of any licence and upon any product manufactured from such timber in preference and priority to any and all other fees, charges, liens or claims whatsoever.

1952, c. 15,
s. 18, subs. 1,
cl. c, re-
enacted

- 7.** Clause c of subsection 1 of section 18 of *The Crown Timber Act, 1952* is repealed and the following substituted therefor:

- (c) where the officer or agent believes on reasonable grounds that Crown charges are owing by the licensee in respect of such timber or the timber from which such product was manufactured or any other timber; or

• • • • •

1952, c. 15,
s. 40, subs. 3,
amended

- 8.** Subsection 3 of section 40 of *The Crown Timber Act, 1952* is amended by striking out "128 cubic feet of stacked wood into 85 cubic feet of solid wood" in the third and fourth lines and inserting in lieu thereof "85 cubic feet of solid wood into 128 cubic feet of stacked wood", so that the subsection shall read as follows:

Idem

- (3) Where a licensee is required or permitted to measure pulpwood in cubic feet of solid wood he shall be entitled to convert 85 cubic feet of solid wood into 128 cubic feet of stacked wood.

9. Section 44 of *The Crown Timber Act, 1952* is amended<sup>1952, c. 15,
s. 44,
amended</sup> by adding thereto the following subsection:

(2) Notwithstanding subsection 1, the Minister may, ^{Idem} subject to the approval of the Lieutenant-Governor in Council, sell, lease or otherwise dispose of land within a provincial forest for any purpose that is not inconsistent with the purpose of such forest, or where it is deemed expedient to establish a town site within a provincial forest, he may withdraw such land as is necessary for that purpose.

10. This Act comes into force on the day it receives Royal ^{Commencement} Assent.

11. This Act may be cited as *The Crown Timber Amendment Act, 1956*. ^{Short title}

CHAPTER 15

An Act to amend The Crown Witnesses Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.**—(1) Paragraph 1 of the Schedule to *The Crown Witnesses Act* is amended by striking out “\$3” in the first line and inserting in lieu thereof “\$4”. R.S.O. 1950,
c. 83,
Sched.,
par. 1,
amended
- (2) Paragraph 2 of the said Schedule is amended by striking out “8” in the third line and inserting in lieu thereof “10”. R.S.O. 1950,
c. 83,
Sched.,
par. 2,
amended
- 2.** This Act comes into force on the 1st day of April, 1956. Commencement
- 3.** This Act may be cited as *The Crown Witnesses Amendment Act, 1956*. Short title

CHAPTER 16

An Act to establish the Department of Economics

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "Department" means Department of Economics;

(b) "Treasurer" means Treasurer of Ontario.

2.—(1) There shall be a department of the public service ^{Department established} to be known as the Department of Economics.

(2) The Treasurer shall preside over and have charge of ^{Treasurer to have charge} the Department.

(3) The Lieutenant-Governor in Council may appoint a ^{Deputy Minister} Deputy Minister of the Department.

(4) The Lieutenant-Governor in Council may appoint from ^{Staff} time to time such staff as is necessary for the proper conduct of the business of the Department.

3.—(1) The function of the officers of the Department shall ^{Function} be to study, analyze, advise upon and make recommendations on matters pertaining to,

(a) economic and financial conditions and trends;

(b) economic and financial policy;

(c) fiscal relations between governments; and

(d) any other matters designated by the Lieutenant-Governor in Council.

Additional duties

(2) In addition to the duties specified in or designated under subsection 1, the officers of the Department shall perform such other duties as may from time to time be assigned to them by the Treasurer.

Expenses

4. The expenses of the Department in carrying out its objects shall be paid out of such moneys as are appropriated therefor by the Legislature.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Department of Economics Act, 1956*.

CHAPTER 17

**An Act to amend
The Department of Education Act, 1954**

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 13 of *The Department of Education Act, 1954*<sup>1954, c. 20,
s. 13,
amended</sup> is amended by adding thereto the following subsection:

(3) The Crown in right of Ontario, represented by the Minister, may make agreements with the Crown in right of Canada, represented by the Minister of Labour of Canada, respecting the establishment, awarding and payment of bursaries and scholarships to students eligible therefor under the regulations.
Bursaries
and
scholarships

2. This Act may be cited as *The Department of Education Amendment Act, 1956.* Short title

CHAPTER 18

**An Act to repeal
The Entry of Horses at Exhibitions Act**

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** *The Entry of Horses at Exhibitions Act* is repealed. R.S.O. 1950,
c. 115,
repealed
- 2.** This Act may be cited as *The Entry of Horses at Exhibitions Repeal Act, 1956*. Short title

CHAPTER 19

An Act to repeal The Estates Tail Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** *The Estates Tail Act* is repealed. R.S.O. 1950,
c. 117,
repealed
- 2.** This Act may be cited as *The Estates Tail Repeal Act*, Short title 1956.

CHAPTER 20

**An Act to amend
The Farm Products Marketing Act**

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** *The Farm Products Marketing Act* is amended by adding R.S.O. 1950,
thereto the following section: c. 131,
amended

 - 1a.** The purpose and intent of this Act is to provide Purpose of Act for the control and regulation in any or all respects of the marketing within the Province of farm products including the prohibition of such marketing in whole or in part.
 - 2.** This Act comes into force on the day it receives Royal Commencement Assent.
 - 3.** This Act may be cited as *The Farm Products Marketing Amendment Act, 1956*. Short title

CHAPTER 21

An Act to amend The Financial Administration Act, 1954

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 2 of *The Financial Administration Act, 1954* <sup>1954, c. 30,
s. 2, subs. 3,</sup> is repealed and the following substituted therefor: ^{re-enacted}

(3) The Treasury Board shall have a secretary who shall ^{Secretary} be designated by the Board.

2. Subsection 2 of section 9 of *The Financial Administration Act, 1954* <sup>1954, c. 30,
s. 9, subs. 2,</sup> is repealed and the following substituted therefor: ^{re-enacted}

(2) The Lieutenant-Governor in Council shall appoint ^{Treasury} ^{Department} ^{of officers} a Comptroller of Accounts, a Comptroller of Finances and a Comptroller of Revenue.

3. Section 14 of *The Financial Administration Act, 1954* <sup>1954, c. 30,
s. 14,</sup> is repealed.

4. Section 43 of *The Financial Administration Act, 1954* <sup>1954, c. 30,
s. 43,</sup> is amended by inserting after "conditions" in the ninth line ^{amended} "including the date of issue and the date of maturity thereof", so that the section shall read as follows:

43. The Lieutenant-Governor in Council may authorize ^{Contracts and agreements for the raising of loans} the Treasurer to enter into such contracts and agreements relating to the raising of loans or the issue and sale of securities as the Lieutenant-Governor in Council may approve, but where the Lieutenant-Governor in Council authorizes the raising of a loan by the issue and sale of non-interest bearing treasury bills, he may authorize the Treasurer to offer any such treasury bills for sale on a competitive or other basis and upon such terms and conditions, including the date of issue and the date of maturity thereof, as the Treasurer deems expedient and to sell any or all of such

treasury bills in such principal amount or amounts and for such price or prices as the Treasurer may accept.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Financial Administration Amendment Act, 1956*.

CHAPTER 22

An Act to amend The Fines and Forfeitures Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Fines and Forfeitures Act* is amended by adding R.S.O. 1950, c. 136, thereto the following section: amended

5a.—(1) Where there is a forfeiture of personal property to the Crown, any person who claims an interest in personal property forfeited holder or holder of a similar interest may, upon seven days notice to the Attorney-General, apply for an order declaring his interest in the property immediately before forfeiture. Claimant of interest to Crown

(2) An application under subsection 1 shall be made to a judge within sixty days of the date of forfeiture to a judge of the county or district court of the county or district in which forfeiture was made or in which the property was at the time of forfeiture. Application to judge

(3) On such application, where the claimant establishes to the satisfaction of the judge, Conditions of order

- (a) that he had a *bona fide* interest in the property forfeited to the Crown; and
- (b) that he exercised reasonable care with respect to the person given possession of the property to satisfy himself that the person was not likely to use the property contrary to any Act of Ontario,

the judge shall make an order declaring the interest of the claimant in the property immediately before forfeiture.

R.S.O. 1950,
c. 136, s. 6,
amended

2. Section 6 of *The Fines and Forfeitures Act* is amended by adding thereto the following subsection:

Remission
of interest
in personal
property

(3) Upon receipt of an order made under section 5a, the Lieutenant-Governor in Council may remit, in whole or in part, the interest of the person in whose favour the order was made or afford such other relief as he sees fit.

Short title

3. This Act may be cited as *The Fines and Forfeitures Amendment Act, 1956*.

CHAPTER 23

An Act to amend The Fire Departments Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Fire Departments Act* is amended by adding thereto R.S.O. 1950, c. 138,
the following section: amended

3a. A full-time fire fighter shall not be discharged without being afforded the opportunity of a hearing before the municipal council or a committee thereof designated by the council if he makes a written request for such hearing within seven days after he receives notice of his proposed discharge. Right to hearing before discharge

2.—(1) Subsection 1 of section 4 of *The Fire Departments Act* is amended by inserting after “shall” in the second line R.S.O. 1950, c. 138, s. 4,
“within 120 days after receipt of the request commence subs. 1, amended to”, so that the subsection shall read as follows:

(1) When requested in writing by a majority of the full- Bargaining time fire fighters, the council of the municipality shall within 120 days after receipt of the request commence to bargain in good faith with a bargaining committee of the full-time fire fighters for the purpose of defining, determining and providing for remuneration, pensions or working conditions of the full-time fire fighters other than the chief of the fire department.

(2) Section 4 of *The Fire Departments Act* is amended by R.S.O. 1950, c. 138, s. 4,
adding thereto the following subsection: amended

(1a) In subsection 1, “pensions” includes any pension plan Interpretation or payment authorized by paragraph 48 of section 386 of *The Municipal Act*. R.S.O. 1950, c. 243,

3.—(1) Subsection 2 of section 5 of *The Fire Departments Act* is amended by striking out “a reasonable time” in the R.S.O. 1950, c. 138, s. 5,
second

subs. 2, amended

second and fourth lines respectively and inserting in lieu thereof "thirty days", so that the subsection shall read as follows:

Failure to appoint member

- (2) Where either party fails to appoint a member of the board of arbitration within thirty days, or having appointed a person who is unable or unwilling to act, fails to appoint another member within thirty days, the Attorney-General may, upon the written request of the other party, appoint a member in lieu thereof.

R.S.O. 1950,
c. 138, s. 5,
amended

- (2) The said section 5 is amended by adding thereto the following subsections:

Commencement and termination of arbitration proceedings

- (3a) The board of arbitration shall commence the arbitration proceedings within thirty days after it is constituted and shall deliver the decision or award within sixty days after the commencement of the arbitration proceedings.

Extension of periods

- (3b) Any of the periods mentioned in this section may be extended at any time by agreement of the parties or by the Attorney-General.

Commencement

- 4.** This Act comes into force on the day it receives Royal Assent.

Short title

- 5.** This Act may be cited as *The Fire Departments Amendment Act, 1956.*

CHAPTER 24

An Act to amend The Fire Marshals Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 8 of section 2 of *The Fire Marshals Act* is R.S.O. 1950, c. 140, s. 2, amended by striking out "incorporated" in the fourth line subs. 8, and inserting in lieu thereof "organized", so that the subsection amended shall read as follows:

(8) The Lieutenant-Governor in Council may direct the Grant to payment out of the appropriation made by the fire prevention association Legislature for salaries and expenses in connection with this Act of a grant to any association or league or society organized for the purpose of fire prevention, and such grant may be subject to such terms and conditions as the Lieutenant-Governor in Council may deem proper.

2.—(1) Section 20 of *The Fire Marshals Act* is amended by R.S.O. 1950, c. 140, s. 20, adding thereto the following subsection: amended

(2a) If, upon such inspection, it is found that a building Electrical installations or other structure is by reason of the inadequacy or want of repair of the electrical installations and wiring therein especially liable to fire, the officer making the inspection may order a re-inspection by The Hydro-Electric Power Commission of Ontario of such electrical installations and wiring and that the cost of such re-inspection be paid by the owner or occupant of the building or other structure.

(2) Subsection 7 of the said section 20 is amended by R.S.O. 1950, c. 140, s. 20, inserting after "2" in the second line "or under subsection 2a", subs. 7, amended so that the subsection shall read as follows:

(7) In the case of an order made under clause *b* or *c* When appeal to Fire of subsection 2 or under subsection 2a by an officer Marshal to be final other than the Fire Marshal, the occupant or owner shall have the like right of appeal to the Fire Marshal

as in the case of an order made under clause *a* of subsection 2, and the decision of the Fire Marshal upon the appeal shall be final and binding and shall not be subject to appeal.

R.S.O. 1950,
c. 140, s. 20,
subs. 8,
amended (3) Subsection 8 of the said section 20 is amended by inserting after "or" in the second line "under" and by inserting after "2" in the seventh line "or under subsection 2a", so that the subsection shall read as follows:

Penalties

(8) Every person who fails to obey an order made under clause *a* of subsection 2 or under subsection 3 after the time allowed for appeal therefrom has elapsed, shall be guilty of an offence and shall be liable to a penalty of not less than \$10 in all and not more than \$100 for every day during which such default continues, and every person who fails to obey an order made under clause *b* or *c* of subsection 2 or under subsection 2a shall be guilty of an offence and shall be liable to a penalty of not less than \$10 in all and not more than \$20 for each day upon which such default continues.

R.S.O. 1950,
c. 140, s. 22e
(1954, c. 31,
s. 1), re-
pealed

3. Section 22e of *The Fire Marshals Act*, as enacted by section 1 of *The Fire Marshals Amendment Act, 1954*, is repealed.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Fire Marshals Amendment Act, 1956*.

CHAPTER 25

**An Act to amend
The Fraudulent Conveyances Act**

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Section 3 of *The Fraudulent Conveyances Act* is repealed. R.S.O. 1950,
c. 148, s. 3,
repealed
- 2.** This Act may be cited as *The Fraudulent Conveyances Amendment Act, 1956*. Short title

CHAPTER 26

**An Act to amend
The Game and Fisheries Act**

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *n* of section 1 of *The Game and Fisheries Act* R.S.O. 1950, c. 153, s. 1,
is repealed and the following substituted therefor: cl. *n*,
re-enacted

(*n*) “hunting” includes chasing, pursuing, following after, or on the trail of, or searching for, shooting, shooting at, stalking or lying in wait for, worrying, molesting, taking or destroying any animal or bird, whether or not the animal or bird be then or subsequently captured, injured or killed, and “hunt” and “hunter” have corresponding meanings.

(2) The said section 1 is amended by adding thereto the following clause: R.S.O. 1950, c. 153, s. 1,
amended

(*ss*) “owner” with reference to land includes any person who is the owner of an interest in land entitling him to the possession of it, but does not include the holder of a timber licence.

2. Section 7 of *The Game and Fisheries Act*, as amended R.S.O. 1950, c. 153, s. 7,
by section 3 of *The Game and Fisheries Amendment Act, 1952*, re-enacted
is repealed and the following substituted therefor:

7.—(1) Except under the authority of a licence, no Residents resident shall hunt or trap or attempt to hunt or trap fur-bearing animals or to hunt or attempt to hunt animals or birds.

(2) The holder of a licence to hunt and trap fur-bearing Authority to sell animals may sell, subject to this Act, any fur-bearing animal taken by him under the authority of the licence or the pelt of any such animal.

Exceptions
as to
trappers

- (3) The holder of a licence to hunt and trap fur-bearing animals may, under the authority of that licence and without any other licence, hunt in the area described in the licence during the open seasons between the 1st day of November and the 30th day of June in the next following year any bird or any animal, other than caribou, deer or moose.

Exceptions
as to
farmers

- (4) A farmer or any of his sons residing upon his lands may without a licence hunt or trap thereon fur-bearing animals, other than beaver, during the open seasons and may hunt thereon birds or animals, other than caribou, deer or moose, during the open seasons, and any such farmer or any of his sons may without a licence sell, subject to this Act, the fur-bearing animals so hunted or trapped or the pelts thereof, but he shall keep such records and make such returns relating thereto as the Lieutenant-Governor in Council may prescribe.

Non-
residents

- 7a. Except under the authority of a licence, no non-resident shall hunt or trap or attempt to hunt or trap animals or birds or carry or use any fire-arm or air-gun in any place frequented by game.

Minor

- 7b. Except as prescribed by the regulations, no licence shall be issued to any person under the age of sixteen years.

R.S.O. 1950,
c. 153,
ss. 10, 11,
repealed

- 3.** Section 10 and section 11, as amended by section 3 of *The Game and Fisheries Amendment Act, 1953*, of *The Game and Fisheries Act* are repealed.

R.S.O. 1950,
c. 153, s. 26,
re-enacted

- 4.** Section 26 of *The Game and Fisheries Act*, as amended by section 6 of *The Game and Fisheries Amendment Act, 1952* and section 5 of *The Game and Fisheries Amendment Act, 1953*, is repealed and the following substituted therefor:

Licences:

- 26.—(1) A licence may be issued,

residents

- (a) to a resident and the licences and fees shall be,

| | |
|---|---------|
| (i) to hunt deer, where subclause ii does not apply..... | \$ 4.25 |
| and an issuing fee of..... | .75 |

- (ii) for a farmer actually living upon
and tilling his land, to kill in
the county or territorial district

| | |
|--|------------------------|
| in which he resides one deer during the open season for his own use and not to be sold or bartered and restricted to one licence for each household.....\$ 1.75 and an issuing fee of..... .25 | |
| (iii) to hunt moose..... 9.00 and an issuing fee of..... 1.00 | |
| (iv) to hunt deer or moose and to kill either one deer or one moose... 25.00 and an issuing fee of..... 1.00 | |
| (v) for a British subject to hunt and trap fur-bearing animals 5.00 | |
| (vi) to hunt birds or animals, other than caribou, deer, moose, beaver, fisher, lynx, marten, mink, muskrat, otter or wolverine..... .85 and an issuing fee of..... .15 | |
| (vii) to hunt in the area described in the licence animals or birds not protected by the <i>Migratory Birds Convention Act</i> (Canada), this Act or the regulations during the period between the 1st day of March and the 31st day of August..... .85 and an issuing fee of..... .15 | R.S.C. 1952, c. 179 |
| (b) to an organized hunting camp of not fewer ^{hunting} _{camps} than four residents, and the licence and fees shall be, | |
| (i) for each four holders of resident deer licences.....\$ 4.25 and an issuing fee of..... .75 | |
| (c) to a non-resident, and the licences and fees ^{non-} _{residents} shall be, | |
| (i) to hunt bear, fox, game birds, rabbits, raccoon, squirrel and wolf\$ 20.00 and an issuing fee of..... 1.00 | |

(ii)

| | | |
|-----------------------|---|----------|
| | (ii) to hunt deer, bear, fox, game birds, rabbits, raccoon, squirrel and wolf..... | \$ 35.00 |
| | and an issuing fee of..... | 1.00 |
| | (iii) to hunt moose, deer, bear, fox, game birds, rabbits, raccoon, squirrel and wolf..... | 100.00 |
| | and an issuing fee of..... | 1.00 |
| | (iv) to hunt bear from the 1st day of April to the 15th day of June provided that the holder of this licence shall not use a shotgun or a rifle known as a .22-calibre low-powered rifle or a rim-fire rifle..... | 5.00 |
| | and an issuing fee of..... | .25 |
| | (v) to hunt wolves from the 1st day of March to the 15th day of June. | 5.00 |
| | and an issuing fee of..... | .25 |
| dogs | (d) for a dog used by or accompanying any person while hunting caribou, deer or moose, and the licence and fee shall be, | |
| | (i) licence..... | \$ 1.85 |
| | and an issuing fee of..... | .15 |
| raccoon | (e) to a resident to hunt raccoon, and the licence fee shall be..... | \$ 2.00 |
| raccoon dogs | (f) for a dog used by or accompanying any person while hunting raccoon, and the licence fee shall be..... | \$ 1.00 |
| Power of fire-arms | (2) The holder of a licence under subclause vi of clause a of subsection 1 shall not, | |
| | (a) carry or use a rifle of greater calibre or projectile power than the rifle known as a .22-calibre low-powered rifle; or | |
| | (b) while hunting with a shotgun have in his gun or on his person shotgun shells loaded with ball or with shot larger than number two shot, | |
| | during the open season for caribou, deer or moose in areas which such animals inhabit or in which they are usually found. | |

5. Section 33 of *The Game and Fisheries Act*, as amended by section 8 of *The Game and Fisheries Amendment Act, 1953*, is repealed and the following substituted therefor:

- 33.—(1) While hunting caribou, deer or moose, no person alone shall use or be accompanied by a dog.
- Use of dogs
in hunting
caribou,
deer or
moose
- (2) Subject to subsection 3, while hunting caribou, deer or moose, no party of two or three, four or five, six or seven, or eight or more, shall use or be accompanied by more than one, two, three or four dogs respectively, and no such dog shall be of the breed commonly known as police dog or any cross-breed thereof.
- (3) The Lieutenant-Governor in Council may designate any parts of Ontario as densely-settled parts in which no party shall use or be accompanied by a dog while hunting caribou, deer or moose.
- (4) No person owning, harbouring or claiming to own a dog at large shall allow it to run at large during the closed season for deer in a locality which caribou, deer or moose usually inhabit or in which they are usually found.
- (5) A dog found running caribou, deer or moose during the closed season for deer in that locality shall be deemed to be at large with the leave of the owner and may be killed on sight by an officer without being liable for damages to any other person or to a penalty.
- (6) A person who loses a dog while used in the hunting of caribou, deer or moose and is unable to find it at the end of the hunt shall immediately report the loss to the Department in writing giving a description of the dog and the locality in which it was lost.

6. Section 62 of *The Game and Fisheries Act* is amended by adding thereto the following subsections:

- (1a) No person in a party of more than twelve persons shall hunt or attempt to hunt or with any gun or sporting implement enter upon any enclosed or unenclosed land in a county without the written permission of the owner or a person authorized by the owner to give such permission.
- • • • •

Common law
remedy for
trespass

- (4) Nothing in this section limits or in any way affects the remedy at common law of an owner for trespass.

R.S.O. 1950
c. 153, s. 76,
subs. 5,
re-enacted

7. Subsection 5 of section 76 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

Cancellation
and revival
of licence
after
conviction

- (5) Subject to subsection 6, a licence held by a person convicted of an offence against this Act or the Special Fishery Regulations shall be deemed to be cancelled without further action or notice, but the Minister may revive the licence where there has been no other conviction for an offence against this Act or the Special Fishery Regulations during the period of two years immediately preceding the cancellation.

Cancellation
and pro-
hibition
against
issue of
licences
R.S.O. 1950,
c. 144
1953-54,
c. 51 (Can.)

- (6) Upon the conviction of any person of an offence under *The Forest Fires Prevention Act* or under sections 165, 191, 192, 193, 372, 373, 374, 375, 377, 383, 384, 385 or 386 of the *Criminal Code* (Canada) as amended or re-enacted from time to time committed while using or in possession of a fire-arm or air-gun for the purpose of hunting or upon the conviction of any person of an offence under this Act, the magistrate or court may cancel any licence to hunt issued to such person and the magistrate or court may order that such person shall not apply for or procure any such licence during the period up to five years immediately following the year in which the conviction was made that is mentioned in the order.

Offence

- (7) Every person who fails to comply with an order made against him under subsection 6 is guilty of an offence.

R.S.O. 1950,
c. 153, s. 77,
cl. c,
repealed

8. Clause *c* of section 77 of *The Game and Fisheries Act* is repealed.

Commencement

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Game and Fisheries Amendment Act, 1956*.

CHAPTER 27

An Act to amend The Gasoline Tax Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Gasoline Tax Act* is repealed R.S.O. 1950,
and the following substituted therefor: c. 157, s. 1,
cl. *a*,
re-enacted

(*a*) “gasoline” includes any liquid produced, prepared or compounded for the purpose of generating power by means of internal combustion or that may be used for such purpose, but does not include the products commonly known as aviation gasoline, jet fuel, fuel oil, kerosene, coal oil, liquefied petroleum gas and such products as are excluded from this Act by the regulations when any such product is not mixed or combined with gasoline as described in this clause.

2. Section 3 of *The Gasoline Tax Act* is amended by adding R.S.O. 1950,
thereto the following clause: c. 157, s. 3,
amended

(*ee*) excluding products from this Act.

3. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement

4. This Act may be cited as *The Gasoline Tax Amendment Act, 1956*. Short title

CHAPTER 28

An Act to amend The Highway Improvement Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 17 of *The Highway Improvement Act* R.S.O. 1950, c. 166, s. 17, is amended by striking out "January" in the fourth line ^{subs. 1,} and inserting in lieu thereof "March", so that the subsection ^{amended} shall read as follows:

- (1) The corporation of the county shall submit a by-law ^{Submission of by-law covering estimated expenditure} covering the estimated expenditure on roads for the calendar year to the Department for the Minister's approval, not later than the 31st day of March of the year in which the expenditure is to be made and such by-law shall include expenditures to be made by the suburban roads commission in the county.

2. Subsection 1 of section 23 of *The Highway Improvement Act* R.S.O. 1950, c. 166, s. 23, is amended by inserting after "the" where it occurs the ^{subs. 1,} second time in the fourth line "constructing", so that the ^{amended} subsection shall read as follows:

- (1) Where under *The Municipal Act* the council of a ^{County expenditure} county has jurisdiction over any bridge which is over ^{may include} 20 feet in span and is not included in the ^{county bridges} county road system, the expenditure involved in the <sup>R.S.O. 1950,
c. 243</sup> constructing, replacing, maintaining or improving of such bridge under the supervision of the county road superintendent in accordance with plans approved by the Department shall be deemed to form part of the expenditure in carrying out the plan of highway improvement within the county, and debentures issued by the corporation of any county, since the 8th day of April, 1926, for the purpose of constructing, replacing or improving any such bridge shall be legal, valid and binding upon the corporation of the

county and the ratepayers thereof notwithstanding that the by-law authorizing the issue thereof has not been submitted to and did not receive the assent of the ratepayers in accordance with *The Municipal Act*.

R.S.O. 1950,
c. 166, s. 32,
amended

3. Section 32 of *The Highway Improvement Act* is amended by striking out "required by section 17 of *The Public Works Act* to be deposited in the registry office" in the first, second and third lines and by inserting after "description" in the fifth line "in the proper registry or land titles office", so that the section shall read as follows:

Plan and
description,
filing of

32. The plan and description of the lands taken shall be signed by the warden and clerk of the county and by an Ontario land surveyor, and upon the deposit of the plan and description in the proper registry or land titles office, the land shall become and be vested in the corporation of the county.

R.S.O. 1950,
c. 166, s. 33,
re-enacted

4. Section 33 of *The Highway Improvement Act*, as amended by section 8 of *The Highway Improvement Amendment Act, 1952*, is repealed and the following substituted therefor:

Roads in
Indian
reserves and
other lands
under the
control of the
Government
of Canada

33. The Minister may arrange with the Government of Canada for the construction, improvement, maintenance and repair, under the supervision of the county road superintendent and in accordance with the requirements of the Minister, of any road in a township or portion of a township constituting an Indian reserve or of any road under the control of the Government of Canada which lies within the limits of a municipality not separated from the county for municipal purposes where the road forms an extension of or connecting link in a county road system, and the Minister may direct payment to the county treasurer out of the moneys appropriated therefor by the Legislature of an amount equal to the percentage of the net expenditure made by the county under such arrangement as is provided for in section 18.

R.S.O. 1950,
c. 166, s. 35,
amended

5. Section 35 of *The Highway Improvement Act* is amended by adding thereto the following subsection:

Additional
compensa-
tion to
county road
superintend-
ent having
supervision
of sub-
urban roads

(3) Where the county engineer or road superintendent has supervision over work on suburban roads, the commission may by resolution, subject to the approval of the Minister, authorize the payment to the county engineer or road superintendent of such annual sum in addition to his salary as county engineer or road superintendent as may be deemed proper.

6. Subsection 2 of section 44 of *The Highway Improvement Act* is amended by striking out "28th day of February" in the fourth and fifth lines and inserting in lieu thereof "31st day of March", so that the subsection shall read as follows:

- (2) The council of the township shall submit a by-law covering the estimated expenditure on all road construction, improvement or repair for the calendar year to the Department for the approval of the Minister not later than the 31st day of March of the year in which such expenditure is to be made, and no subsidy shall be granted to any township in respect of work which has not been provided for by a by-law approved by the Minister.

7. Subsection 3 of section 45 of *The Highway Improvement Act* is amended by striking out "Indian Affairs Branch of the Department of Mines and Resources (Canada)" in the first and second lines and inserting in lieu thereof "Government of Canada", so that the subsection shall read as follows:

- (3) The Minister may arrange with the Government of Canada that the Indian agent for an Indian reserve may act as road superintendent to supervise the construction, improvement and maintenance in accordance with the requirements of the Minister, of the roads in any township or portion of a township constituting the Indian reserve and where such arrangement has been made, the Indian Affairs Branch may make application in accordance with section 46 for the provincial subsidy authorized by this Part, and this Part shall apply *mutatis mutandis*.

8. Section 57 of *The Highway Improvement Act* is amended by striking out "28th day of February" in the third line and inserting in lieu thereof "31st day of March", so that the section shall read as follows:

57. The by-law shall provide for the estimated expenditure to be made in the calendar year and shall be submitted not later than the 31st day of March of that year, and no subsidy shall be granted to any city, town or village in respect of expenditure which has not been provided for by by-law approved by the Minister.

9. Subsection 2a of section 58 of *The Highway Improvement Act*, as enacted by section 2 of *The Highway Improvement Amendment Act, 1955*, is repealed and the following substituted therefor:

Where rate
of subsidy
may be
varied

- (2a) Notwithstanding subsection 2, in the case of a town not being a separated town or of a village, the Minister, having regard to the development of the town or village and the adequacy of its plan of road improvement, may direct payment to the treasurer of the town or village out of the moneys appropriated therefor by the Legislature of such amount as he deems requisite, provided that the aid so granted may,
- (a) in the case of a bridge or culvert, be any percentage up to 80 per cent; and
 - (b) in the case of any other road improvement, be any percentage up to 50 per cent,

of the amount of the expenditure that is properly chargeable to road improvement.

R.S.O. 1950,
c. 166;
amended

10. *The Highway Improvement Act* is amended by adding thereto the following section:

PART VII-A

SECONDARY ROADS

Secondary
roads

- 63a. The Lieutenant-Governor in Council may designate any road or portion of a road in Ontario, other than the King's Highway, as a secondary road, and thereupon the road or portion so designated shall be known as a secondary road and all the provisions of this Act and the regulations made under this Act relating to the King's Highway shall apply *mutatis mutandis* to such secondary road.

R.S.O. 1950,
c. 166, s. 66;
subs. 1,
amended

11.—(1) Subsection 1 of section 66 of *The Highway Improvement Act* is amended by inserting after "registry" in the fifth line "or land titles", by inserting after "by" where it occurs the third time in the sixth line "the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by" and by striking out "Department" in the ninth and tenth lines and inserting in lieu thereof "Minister", so that the subsection shall read as follows:

Procedure
for acquiring
a highway

- (1) Subject to the provisions of section 72, when the Minister desires to lay out a portion of the King's Highway or to acquire any existing highway under this Act, either temporarily or permanently, he shall deposit in the proper registry or land titles office a plan and description of the highway, signed by himself, or by the Deputy Minister, or by the Director

of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor, and such highway shall thereafter become and be vested in the Crown as from such date as the Minister may determine, by notice in *The Ontario Gazette*, and the Minister shall give notice in writing thereof to each of the municipalities interested.

(2) Subsection 3 of the said section 66 is amended by R.S.O. 1950, c. 166, s. 66, striking out "a registry" in the second line and inserting in lieu thereof "the proper registry or land titles" and by amending striking out "may at any time" in the seventh line and inserting in lieu thereof "shall", so that the subsection shall read as follows:

(3) When for the purposes of this section it is deemed advisable to deposit in the proper registry or land titles office a preliminary route plan of any highway or lands acquired or to be acquired therefor by the Minister, such preliminary route plan shall be of full effect as provided by subsection 1, and shall confer upon the Minister authority to acquire and take possession of the road or lands, but such plan shall thereafter be replaced by a completed plan and description of the road or lands so acquired.

12. Subsection 2 of section 71 of *The Highway Improvement Act* is repealed and the following substituted therefor: R.S.O. 1950, c. 166, s. 71, subs. 2, re-enacted

(2) The Lieutenant-Governor in Council may direct that any highway or portion of a highway that is under the control of the Department may be closed and may be sold, leased or disposed of by the Minister.

(3) The Lieutenant-Governor in Council may direct that any highway or portion of a highway that is under the control of the Department shall revert to the municipality previously liable for its maintenance and repair or be transferred to the municipality within which it is situate, and the municipality to which it so reverts or is so transferred shall be deemed to be in possession and control of it on and after the day named by the Lieutenant-Governor in Council.

13.—(1) Subsection 2 of section 72 of *The Highway Improvement Act* is amended by striking out "registry" in the fourth line and inserting in lieu thereof "proper registry or land titles", so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1950, c. 166, s. 72, subs. 2, amending

Notice as
to land
entered
upon, taken
or used

- (2) Where land has been entered upon, taken or used by the Minister under the compulsory powers conferred by this Act the Minister shall, within sixty days after the registration of the plan and description of the land in the proper registry or land titles office, give notice to the owner,

R.S.O. 1950,
c. 166, s. 72;
subs. 3,
amended

- (2) Subsection 3 of the said section 72 is amended by inserting after "Deputy Minister" in the sixth line "or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor" and by inserting after "registry" in the seventh line "or land titles", so that the subsection shall read as follows:

Filing land
plan on
taking land

- (3) When land is to be or has been purchased or acquired by the Minister under any of the powers conferred by this Act, along or adjacent to or in the vicinity of the King's Highway, the land so acquired may be shown on a plan of the highway marked "Land Plan", signed by the Minister, or by the Deputy Minister, or by the Director of Services, or by the Superintendent of Properties, or by the Superintendent of Surveys, and by an Ontario land surveyor and deposited in the proper registry or land titles office, and the plan shall be of full effect in establishing the ownership of the land by Ontario under this Act or *The Public Works Act*.

R.S.O. 1950,
c. 323

R.S.O. 1950,
c. 166, s. 72;
subs. 4,
amended

- (3) Subsection 4 of the said section 72 is amended by inserting after "registry" in the first line "or land titles", so that the subsection shall read as follows:

Amendment
of land plan

- (4) A land plan deposited in any registry or land titles office as in subsection 3 provided may be amended from time to time upon the authority of the Minister or Deputy Minister, or another or similar plan may be substituted therefor upon like authority, for the purpose of showing land or additional land purchased or acquired, or for the purpose of indicating thereon land sold or disposed of by the Minister.

R.S.O. 1950,
c. 166,
ss. 74-77,
repealed

14. Sections 74, 75, 76 and 77 of *The Highway Improvement Act* are repealed.

R.S.O. 1950,
c. 166, s. 78,
subss. 1, 2,
repealed

15.—(1) Subsections 1 and 2 of section 78 of *The Highway Improvement Act* are repealed.

(2) Subsection 3 of the said section 78 is amended by R.S.O. 1950, c. 166, s. 78, striking out "Department" where it occurs in the fifth and tenth lines respectively and inserting in lieu thereof "Minister", so that the subsection shall read as follows:

(3) Where it is deemed by the Minister desirable and expedient that a highway or portion thereof within a city, town or village, including any necessary bridges, should be constructed as a connecting link between portions of the King's Highway, the Minister may designate the highway or portion thereof within the city, town or village to be constructed by the city, town or village, and the council of the corporation of the city, town or village may pass by-laws for issuing, and may issue debentures under *The Municipal Act*, to be payable in such period as the Minister may approve but not exceeding twenty years from the time or times when such debentures are issued, for an amount sufficient to pay the cost of the construction of the highway and bridges within the city, town or village, but it shall not be necessary for the council to obtain the assent of the electors to any by-law for the issue of debentures under this subsection or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

(3) Clauses *a*, *b* and *c* of subsection 6 of the said section 78, R.S.O. 1950, c. 166, s. 78, as re-enacted by subsection 2 of section 4 of *The Highway Improvement Amendment Act, 1955*, are repealed and the following substituted therefor:

- (a) in the case of a town not being a separated town or of a village having a population of not more than 2,500, a sum equal to the cost of constructing a width of roadway not less than 22 feet and not more than 33 feet and of maintaining an existing roadway up to a width not exceeding 33 feet;
- (b) in the case of a town not being a separated town or of a village having a population of more than 2,500, a sum equal to 50 per cent of the cost of constructing a width of roadway not less than 22 feet and not more than 33 feet and of maintaining an existing roadway up to a width not exceeding 33 feet; and
- (c) in the case of a city or separated town, a sum equal to 50 per cent of the cost of constructing a width of roadway not less than 22 feet and not more than 33 feet.

(4) The said section 78 is amended by adding thereto the following subsection:

- (6a) Notwithstanding clause *b* of subsection 6, in the case of a town not being a separated town or of a village having

R.S.O. 1950,
c. 166, s. 78,
amended

Proportion
of cost
payable by
Province

having a population of more than 2,500 where the work consists of the construction, improvement or maintenance and repair of a bridge or culvert, the agreement may provide that the proportion of the cost of the work which shall be paid out of the moneys appropriated therefor by the Legislature shall not exceed a sum equal to 80 per cent of the expenditure on such bridge or culvert which is properly chargeable to road improvement.

R.S.O. 1950,
c. 166, s. 79,
subs. 2,
amended

16.—(1) Subsection 2 of section 79 of *The Highway Improvement Act* is amended by inserting after “the” where it occurs the third time in the sixth line “Crown under the control of the”, so that the subsection shall read as follows:

Penalty for
removing
notice or
barrier

(2) Every person who uses any highway so closed to traffic or who removes or defaces any notice or obstruction placed thereon by lawful authority shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$50 and shall also be liable for any damages or injury done to the highway or to the property of the Crown under the control of the Department occasioned by such trespass.

R.S.O. 1950,
c. 166, s. 79,
subs. 3,
amended

(2) Subsection 3 of the said section 79 is amended by inserting after “or” in the fifth line “the Minister”, so that the subsection shall read as follows:

Alternative
routes
during work
on roads

(3) While the construction, repair or improvement of the King's Highway or any work authorized by this Act is in progress on the King's Highway, the Department may provide and keep in repair any reasonable alternative route for traffic, including a municipal highway, or the Minister may enter into an agreement with the council of any municipality, or may make a grant to any municipality for that purpose, and any expenditure or grant under this section shall be apportioned as a part of the cost of the work in progress on the King's Highway by reason of which the alternative route is necessary.

R.S.O. 1950,
c. 166, s. 80,
subs. 1,
amended

17.—(1) Subsection 1 of section 80 of *The Highway Improvement Act* is amended by striking out “Department” in the first line and inserting in lieu thereof “Minister” and by striking out “roadway” in the second line and inserting in lieu thereof “King's Highway”, so that the subsection shall read as follows:

Minister
may exercise
powers of
municipal
corporation

(1) The Minister shall have, within the limits of any municipal corporation along the course of the King's

Highway,

Highway, all the powers which may be exercised by a municipal corporation authorized to lay out, maintain and construct a highway.

(2) Subsection 2 of the said section 80 is amended by R.S.O. 1950, c. 166, s. 80, striking out "Department" in the first line and inserting in subs. 2, lieu thereof "Minister" and by striking out "Department" amended in the sixth line and inserting in lieu thereof "Crown", so that the subsection shall read as follows:

(2) The Minister shall have in respect to the King's Previous Highway, all the rights, powers, benefits and ad-agreements vantages conferred either by by-law or contract or otherwise upon the local or county municipality or municipalities which had jurisdiction over the road before the road was assumed by the Province, and the Crown may sue upon such rights or under such agreement or by-laws in the same manner and to the same extent as the local municipality or municipalities might have done if the road had not been adopted as the King's Highway.

(3) Subsection 3 of the said section 80 is amended by R.S.O. 1950, c. 166, s. 80, striking out "Department" in the third and fifth lines subs. 3, respectively and inserting in lieu thereof "Minister", so that amended the subsection shall read as follows:

(3) Where a by-law, contract or agreement covers several roads in a municipality, including the road adopted as the King's Highway, the Minister shall be entitled to a copy of the by-law, contract or agreement from the municipality or municipalities and the Minister shall have the right to inquire into and ascertain facts concerning all such by-laws, contracts or agreements, the amounts of rents or other payments provided for in the same, the terms and conditions under which such agreements were made and any other particulars in connection with the same.

18. Subsection 3 of section 82 of *The Highway Improvement Act* is amended by striking out "Department" in the first line and inserting in lieu thereof "Minister", so that the subsection shall read as follows:

(3) If the company and the Minister are unable to agree Application to Board on their respective shares of the cost of constructing in case of disagreement the pavement or roadway between the rails the matter in dispute shall be determined by the Ontario Municipal Board, and the decision of the Board shall be final and conclusive and shall not be subject to any appeal.

R.S.O. 1950,
c. 166, s. 83,
sub. 3,
amended

19.—(1) Subsection 3 of section 83 of *The Highway Improvement Act* is amended by striking out “regulations of the Department and under its direction” in the fifth line and inserting in lieu thereof “conditions of a permit therefor granted under section 93”, so that the subsection shall read as follows:

Bonus for
planting
trees

(3) The Department may pay a bonus not exceeding 75 cents for each elm, maple or other approved nut or ornamental tree planted by any owner of land fronting on the King’s Highway and planted in accordance with the conditions of a permit therefor granted under section 93.

R.S.O. 1950,
c. 166, s. 83,
sub. 4,
amended

(2) Subsection 4 of the said section 83, as amended by section 19 of *The Highway Improvement Amendment Act, 1952*, is further amended by striking out “resident” in the second line and inserting in lieu thereof “district”, so that the subsection shall read as follows:

Bonus

(4) The bonus shall be chargeable to the moneys appropriated therefor by the Legislature and payable upon a certificate of the district engineer of the Department giving the name of the person entitled to the bonus, the number of trees of each species planted and the amount of the bonus to which the person is entitled and certifying that the trees have been planted for a period of three years and that they are alive, healthy and of good form.

R.S.O. 1950,
c. 166, s. 86,
subs. 3,
amended

20. Subsection 3 of section 86 of *The Highway Improvement Act* is amended by inserting after “owner” in the first line “or having the care, custody or control”, so that the subsection shall read as follows:

Horses,
cattle, etc.,
on highway

(3) Every person who, being the owner or having the care, custody or control of horses, cattle, swine or sheep, suffers or permits the same or any of them to run at large within the limits of the King’s Highway shall be guilty of an offence and on summary conviction shall be liable to a penalty, for every horse found at large upon the highway, of not more than \$5; for every head of cattle found at large upon the highway, of not more than \$3; and for every hog, sheep or goat found at large upon the highway, of not more than \$1; provided that this subsection shall not create any civil liability on the part of the owner of horses, cattle, swine or sheep for damages caused to the property of others as a result of the horses, cattle, swine or sheep running at large within the limits of the King’s Highway.

21.—(1) Subsection 1 of section 87 of *The Highway Improvement Act* is amended by striking out “except as to the contribution towards such maintenance and repair provided for in this Act” in the second, third and fourth lines, so that the subsection shall read as follows:

(1) Every portion of the King's Highway shall be maintained and kept in repair by the Department, and the corporation of any municipality in which the highway is situate shall be relieved from any liability therefor, but this shall not apply to any sidewalk or municipal undertaking or work constructed or in course of construction by the corporation of any municipality, or which a municipal corporation may lawfully do or construct upon the highway, and the municipal corporation shall be liable for want of repair of the sidewalk, municipal undertaking or work, whether the same be the result of nonfeasance or misfeasance, in the same manner and to the same extent as in the case of any other like work constructed by the municipal corporation.

(2) Subsection 2 of the said section 87 is amended by striking out “Department” in the second line and inserting in lieu thereof “Crown” and by striking out “Department” in the sixth line and inserting in lieu thereof “Minister”, so that the subsection shall read as follows:

(2) In case of default by the Department to keep any portion of the King's Highway in repair, the Crown shall be liable for all damages sustained by any person by reason of the default, and the amount recoverable by any person by reason of the default may be agreed upon with the Minister before or after the commencement of any action for the recovery of the damages.

(3) Subsection 3 of the said section 87 is amended by striking out “Department” in the first line and inserting in lieu thereof “Crown”, so that the subsection shall read as follows:

(3) No action shall be brought against the Crown for the recovery of damages caused by the presence or absence or insufficiency of any wall, fence, guard rail, railing or barrier or caused by or on account of any construction, obstruction or erection or any situation, arrangement or disposition of any earth, rock, tree or other material or thing adjacent to or in, along or upon the highway lands or any part thereof not within the travelled portion of the highway.

R.S.O. 1950;
c. 166, s. 87;
subs. 5,
amended

(4) Subsection 5 of the said section 87 is amended by striking out "Department" in the fourth line and inserting in lieu thereof "Minister", so that the subsection shall read as follows:

Notice of
claim

(5) No action shall be brought for the recovery of the damages mentioned in subsection 2, unless notice in writing of the claim and of the injury complained of has been served upon or sent by registered post to the Minister within ten days after the happening of the injury.

R.S.O. 1950;
c. 166, s. 87;
subs. 6,
amended

(5) Subsection 6 of the said section 87 is amended by striking out "Department" in the fifth line and inserting in lieu thereof "Crown", so that the subsection shall read as follows:

When
failure to
give notice
not to bar
action

(6) The failure to give or the insufficiency of the notice shall not be a bar to the action, if the court or judge before whom the action is tried is of the opinion that there is reasonable excuse for the want or insufficiency of the notice and that the Crown was not thereby prejudiced in its defence.

R.S.O. 1950;
c. 166, s. 87;
subs. 8,
amended

(6) Subsection 8 of the said section 87 is amended by striking out "Department" in the first and second lines and inserting in lieu thereof "Crown", so that the subsection shall read as follows:

Style of
action

(8) In any action under this section against the Crown, the defendant may be described as "His Majesty the King in right of the Province of Ontario, represented by the Minister of Highways for the Province of Ontario", and it shall not be necessary to proceed by petition of right or to procure the fiat of the Lieutenant-Governor or the consent of the Attorney-General before commencing the action but every such action may be instituted and carried on and judgment may be given thereon in the same manner as in an action brought by a subject of His Majesty against another subject.

R.S.O. 1950;
c. 166, s. 87;
subs. 9,
amended

(7) Subsection 9 of the said section 87 is amended by striking out "Department" in the first line and inserting in lieu thereof "Crown", so that the subsection shall read as follows:

Action to be
tried with-
out jury

(9) Actions against the Crown for the recovery of the damages mentioned in subsection 2 shall be tried by a judge without the intervention of a jury, and the trial shall take place in the county in which the default occurred.

22. Subsection 1 of section 90 of *The Highway Improvement Act* is amended by striking out "Department" in the twelfth line and inserting in lieu thereof "Deputy Minister or the officer of the Department specially designated by the Deputy Minister", so that the subsection shall read as follows:

- (1) The Deputy Minister or any officer of the Department specially designated for that purpose by the Deputy Minister may initiate and carry out proceedings under *The Ditches and Watercourses Act* for the purpose of procuring proper drainage for the King's Highway, and shall have authority to file notices and declarations as owner with the clerk of the local municipality or municipalities, or may receive notices where a private person is the initiating party, in accordance with the procedure prescribed in that Act but no drainage works shall be constructed upon the King's Highway under any Act without the consent of the Deputy Minister or the officer of the Department specially designated by the Deputy Minister.

23. Subsection 2 of section 91 of *The Highway Improvement Act* is amended by striking out "Department" in the third line and inserting in lieu thereof "Minister", so that the subsection shall read as follows:

- (2) No such action or other proceeding shall lie in respect of any such claim unless notice in writing of the claim and of the injury complained of has been filed with the Minister within six months after the injury complained of, or in the case of a continuing injury, within one year from the time when the injury began or became known to the complainant.

24.—(1) Subsection 3 of section 92 of *The Highway Improvement Act* is amended by striking out "Department" in the first line and inserting in lieu thereof "Minister", so that the subsection shall read as follows:

- (3) Subject to the approval of the Board, the Minister may close any county, township or other road which intersects or runs into a controlled-access highway.

(2) Subsection 4 of the said section 92 is amended by striking out "Department" in the seventh line and inserting in lieu thereof "Minister", so that the subsection shall read as follows:

- (4) The Board may direct that notice of any application for approval of the closing of a road under this section shall

R.S.O. 1950,
c. 166, s. 90,
subs. 1,
amended

Drainage of
the King's
Highway

R.S.O. 1950,
c. 105

R.S.O. 1950,
c. 166, s. 91,
subs. 2,
amended

Limitation
of claims
for compensa-
tion

R.S.O. 1950,
c. 166, s. 92,
subs. 3,
amended

Closing
roads

R.S.O. 1950,
c. 166, s. 92,
subs. 4,
amended

Notice of
application
for approval
of closing
road

shall be given at such times, in such manner and to such persons as the Board may determine, and may further direct that particulars of claims in respect of land injuriously affected by the closing of the road shall be filed with the Board and the Minister within such time as the Board shall direct.

R.S.O. 1950,
c. 166, s. 92,
subs. 8,
amended

(3) Subsection 8 of the said section 92 is amended by striking out "Department" in the second and third lines and inserting in lieu thereof "Minister" and by striking out "its" in the third line and inserting in lieu thereof "the", so that the subsection shall read as follows:

Idem

(8) Where, at any time after making application for the approval of the Board of the closing of a road, the Minister discontinues the application or, having obtained such approval, does not proceed with the closing of the road and does not pay the compensation provided for in the order of the Board, the Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such application for approval, make such order as to costs against the Department as it deems proper and may fix the amount of such costs.

R.S.O. 1950,
c. 166, s. 92,
subs. 9,
amended

(4) Subsection 9 of the said section 92 is amended by striking out "Department" in the fourth line and inserting in lieu thereof "Minister", so that the subsection shall read as follows:

Appeal

(9) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Court of Appeal, appeal to that court from any order of the Board approving the closing of such road, and the Minister may, upon like leave, appeal from any order of the Board made on an application under this section.

R.S.O. 1950,
c. 166, s. 93,
subs. 1,
cl. d,
amended

25.—(1) Clause d of subsection 1 of section 93 of *The Highway Improvement Act* is amended by inserting after "erect" in the first line "maintain" and by striking out "or" where it occurs the second time in the first line and inserting in lieu thereof "glass or other tubing whether illuminated or not, or any other form of", so that the clause shall read as follows:

(d) place, erect, maintain or alter any sign, notice, glass or other tubing whether illuminated or not, or any other form of advertising device, or any part thereof,

other

other than a sign not more than two feet by one foot displaying the name of the owner or occupant of the premises to which it is affixed or the name of such premises, upon or within one-quarter mile of any limit of a controlled-access highway.

(2) Subsection 10 of the said section 93, as amended by R.S.O. 1950, c. 166, s. 93, subsection 2 of section 5 of *The Highway Improvement Amendment Act, 1951*, is further amended by striking out "development" in the amendment of 1951 and inserting in lieu thereof "secondary", so that the subsection shall read as follows:

(10) This section, except clauses *b*, *e* and *f* of subsection 1, shall apply *mutatis mutandis* to the other portions of the King's Highway and to secondary roads. Buildings, gas pumps, signs, etc.

26. Subsection 6 of section 98 of *The Highway Improvement Act* is amended by striking out "Department" in the first line and inserting in lieu thereof "Minister", so that the subsection shall read as follows:

(6) Where the district engineer reports to the Minister that a highway to which this Act applies in any municipality is out of repair, the Minister may, after at least two months notice in writing to the corporation of the municipality, direct the Department to undertake the work of putting the highway in repair, and the cost of the work shall be chargeable to and shall be a debt due from the corporation of the municipality to the Crown and the Minister may direct that the cost shall be deducted from any sums of money payable to the municipality under this Act. Repair and maintenance of highway by Department on corporation's default

27. Subsection 4 of section 100 of *The Highway Improvement Act*, as amended by section 20 of *The Highway Improvement Amendment Act, 1952*, is further amended by striking out "Department" in the first and third lines respectively and inserting in lieu thereof "Minister" and by striking out "its" in the fifth line and inserting in lieu thereof "his", so that the subsection shall read as follows:

(4) The council of a township may apply to the Minister for authority to construct a sidewalk or footpath on the King's Highway or a county road and the Minister may grant the authority, and upon completion of the work may approve thereof at his discretion, and upon the approval being given the council may make application in the form prescribed by the Minister for, and the Minister may authorize the payment to the township out of the moneys Construction of sidewalk or footpath appropriated

appropriated therefor by the Legislature of an amount not exceeding 50 per cent of the cost of the work.

R.S.O. 1950,
c. 166, s. 105,
amended

28. Section 105 of *The Highway Improvement Act* is amended by striking out "Department" in the fourth line and inserting in lieu thereof "Minister" and by striking out "the Minister" in the fifth line and inserting in lieu thereof "him", so that the section shall read as follows:

Vouchers

105. Where a subsidy is applied for by the council of any county, township or other road authority under this Act, vouchers covering all expenditures, in respect of which such subsidy is applied for, shall be furnished to the Minister in a form satisfactory to him.

Commencement

29.—(1) This Act, except section 9, comes into force on the day it receives Royal Assent.

Idem

(2) Section 9 shall be deemed to have come into force on the 1st day of January, 1956.

Short title

30. This Act may be cited as *The Highway Improvement Amendment Act, 1956*.

CHAPTER 29

An Act to amend The Highway Traffic Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *w* of subsection 1 of section 1 of *The Highway Traffic Act* R.S.O. 1950, c. 167, s. 1, is amended by inserting after "husbandry" in the third line "another motor vehicle or any device or apparatus not designed to transport persons or property", so that the clause shall read as follows:

(*w*) "trailer" means any vehicle which is at any time drawn upon a highway by a motor vehicle, except an implement of husbandry, another motor vehicle or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled, or moved upon such highway, and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn.

2. Subsection 6 of section 10 of *The Highway Traffic Act* R.S.O. 1950, c. 167, s. 10, is amended by inserting after "green" in the fourth line "or subs. 6, amber", so that the subsection shall read as follows:

(6) Whenever on a highway outside a city, town or village after dusk and before dawn every motor vehicle or combination of vehicles having a length in excess of 30 feet or a width in excess of 80 inches shall carry three lamps displaying green or amber, but in the case of a public vehicle amber, lights at the front and three lamps displaying red lights at the rear and the lights of each colour shall be evenly placed not less than six nor more than twelve inches apart along a horizontal line as near the top of the vehicle or combination of vehicles as the permanent structure of the vehicle permits and shall be visible for distances of 500 feet from the front and rear respectively of the vehicle or combination of vehicles.

R.S.O. 1950,
c. 167, s. 12,
subs. 1,
re-enacted

3. Subsection 1 of section 12 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Brakes, two
systems
required

- (1) Every motor vehicle, other than a motorcycle, when operated upon a highway shall be equipped with at least two braking systems, each with a separate means of application and effective on at least two wheels, one of which shall be adequate to stop the vehicle as required by regulations made by the Department and the other of which shall be adequate to hold the vehicle stationary.

R.S.O. 1950,
c. 167, s. 24,
subs. 1,
re-enacted

4. Subsection 1 of section 24 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Endorsement
of conviction
on licence
or permit
1953-54,
c. 51 (Can.)

- (1) The judge, magistrate or justice of the peace by whom a person is convicted of a violation of this Act or of the *Criminal Code* (Canada) involving the use of a motor vehicle shall cause particulars of the conviction to be endorsed on the chauffeur's licence or operator's licence, as the case may be, and, if the penalty imposed includes the suspension of the licence or permit, shall take and hold for the period of the suspension such licence or permit.

R.S.O. 1950,
c. 167, s. 28,
subs. 2^a
(1954, c. 35,
s. 5, subs. 2),
amended

5.—(1) Subsection 2a of section 28 of *The Highway Traffic Act*, as enacted by subsection 2 of section 5 of *The Highway Traffic Amendment Act, 1954*, is amended by striking out "authorize" in the second line and inserting in lieu thereof "prescribe", so that the subsection shall read as follows:

increase by
by-law

- (2a) The council of a city, town or village and the trustees of a police village may by by-law prescribe a higher rate of speed for motor vehicles driven upon any highway or portion of a highway under its jurisdiction than is prescribed in subsection 1, but such increased rate of speed shall not be more than 50 miles per hour.

R.S.O. 1950,
c. 167, s. 28,
subs. 3
(1954, c. 35,
s. 5, subs. 2),
amended

(2) Subsection 3 of the said section 28, as re-enacted by subsection 2 of section 5 of *The Highway Traffic Amendment Act, 1954*, is amended by striking out "and 2a" in the first line and inserting in lieu thereof "2a, 3a and 3b", so that the subsection shall read as follows:

fire
department
vehicles

- (3) Subsections 1, 1a, 2, 2a, 3a and 3b shall not apply to a motor vehicle of a municipal fire department while proceeding to a fire or answering a fire alarm call.

(3) Subsection 3a of the said section 28, as enacted by R.S.O. 1950, c. 167, s. 28, subsection 2 of section 3 of *The Highway Traffic Amendment Act, 1955*, is repealed and the following substituted therefor:

- (3a) The Lieutenant-Governor in Council may make regulations prescribing a lower rate of speed than 50 miles per hour for motor vehicles driven upon a highway or any part thereof in any provincial park.
- (3b) The Lieutenant-Governor in Council may make regulations prescribing a higher or lower rate of speed than 50 miles per hour for any class or classes of motor vehicles upon the King's Highway or any part thereof, which rates of speed may be different for any period or periods of the day or night.
- (3c) Where a by-law is passed under subsection 1a, 2 or 2a or a regulation is made under subsection 3a or 3b, section 1 the rates of speed prescribed in subsection 1 shall not apply to the highway or portion of the highway affected by the by-law or regulation.

(4) Subsection 4 of the said section 28 is amended by inserting after "passed" in the second line "or regulation made", so that the subsection shall read as follows:

- (4) Any person who violates any of the provisions of this section or any by-law passed or regulation made under this section shall be guilty of an offence and shall be liable for the first offence to a penalty of not less than \$5 and not more than \$50; for the second offence to a penalty of not less than \$10 and not more than \$100, and in addition his licence or permit may be suspended for a period of not more than three months; and for any subsequent offence shall be liable to a penalty of not less than \$20 and not more than \$200, and in addition his licence or permit may be suspended for a period of not more than six months.

6.—(1) Clause e of subsection 2 of section 34 of *The Highway Traffic Act*, as re-enacted by section 5 of *The Highway Traffic Amendment Act, 1955*, is amended by striking out "28,000" in the fourth line and inserting in lieu thereof "30,000", so that the clause shall read as follows:

- (e) The gross weight of a semi-trailer with two axles so designed that under any loading conditions the weight on both axles remains constant shall not exceed 30,000 pounds.

R.S.O. 1950,
c. 167, s. 34,
subs. 7,
amended

(2) Subsection 7 of the said section 34 is amended by inserting after "section" in the second line "or any by-law passed or regulation made under this section", so that the subsection shall read as follows:

Penalty

(7) Any person who violates any of the provisions of this section or any by-law passed or regulation made under this section shall be liable for the first offence to a penalty of not less than \$25 and not more than \$50; for the second offence to a penalty of not less than \$50 and not more than \$100, and in addition his licence or permit may be suspended for a period not exceeding thirty days; and for any subsequent offence shall be liable to a penalty of not less than \$100 and not more than \$200, and shall also be liable to imprisonment for a term of not more than thirty days, and in addition his licence or permit may be suspended for a period of not more than six months.

R.S.O. 1950,
c. 167, s. 34,
subs. 8, 9,
re-enacted

(3) Subsections 8 and 9 of the said section 34 are repealed and the following substituted therefor:

**Limiting
weight of
vehicle
on
bridge**

(8) The municipal corporation or other authority having jurisdiction over a bridge may by by-law approved by the Department make regulations limiting the gross weight of any vehicle or combination of vehicles or any class thereof passing over such bridge and notice of the limit of the weight fixed by such regulation, legibly printed, shall be posted up in a conspicuous place at each end of the bridge.

**Weight of
vehicles
passing
over bridge,
regulations
as to**

(9) The Lieutenant-Governor in Council may make regulations limiting the gross weight of any vehicle or combination of vehicles or any class thereof passing over a bridge forming part of a provincial highway or a highway in territory without municipal organization and the requirements of subsection 8 with respect to the posting up of notice shall apply thereto.

R.S.O. 1950,
c. 167, s. 35,
amended

7. Section 35 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Penalty

(6) Every person to whom a permit has been issued under this section who operates or permits the operation of a vehicle contrary to any of the conditions of such permit shall be guilty of an offence and shall be liable to a penalty of not less than \$50 and not more than \$500 and in addition the permit for the vehicle concerned issued under section 3 may be suspended for a period of not more than six months.

8.—(1) Section 41 of *The Highway Traffic Act* is amended R.S.O. 1950, c. 167, s. 41, by adding thereto the following subsection: amended

(3a) The driver or operator of a vehicle upon approaching Yield right-of-way signs a yield right-of-way sign at the entrance to an intersection shall not enter or cross the intersection at a greater rate of speed than 15 miles per hour and shall yield the right-of-way to other vehicles which have entered the intersection or which are approaching so closely from an intersecting highway as to constitute an immediate hazard and after so yielding the right-of-way may proceed and the drivers or operators of all other vehicles approaching the intersection shall yield the right-of-way to the vehicle so proceeding across the intersection.

(a) No yield right-of-way sign shall be erected without the approval of the Department and every sign so erected shall comply with the regulations of the Department.

(2) Subsection 4 of the said section 41 is amended by R.S.O. 1950, c. 167, s. 41, striking out "subsections 2 and 3" in the first line and inserting subs. 4, amended in lieu thereof "subsection 2", so that the subsection shall read as follows:

(4) For the purposes of subsection 2, "intersection" Interpretation includes any portion of a highway distinctly indicated as a crossing place for pedestrians by lines or other markings on the surface of the highway.

(3) Subsection 8 of the said section 41 is amended by R.S.O. 1950, c. 167, s. 41, adding at the end thereof "but this does not apply to a vehicle, road-building machine or apparatus while engaged in the construction, maintenance or marking of a highway", amended so that the subsection shall read as follows:

(8) Where a person travelling or being upon a highway Vehicles meeting in charge of a vehicle meets another vehicle, he shall others turn out to the right from the centre of the road, allowing to the vehicle so met one-half of the road free, but this does not apply to a vehicle, road-building machine or apparatus while engaged in the construction, maintenance or marking of a highway.

9. Subsection 2 of section 45 of *The Highway Traffic Act* R.S.O. 1950, c. 167, s. 45, is amended by adding at the end thereof "or where the street subs. 2, amended car or car of an electric railway is being operated on a highway designated for the use of one-way traffic", so that the subsection shall read as follows:

(2) No person in charge of a vehicle or on a bicycle or tricycle or on horseback or leading a horse overtaking a street car or the car of an electric railway, Prohibition as to passing street cars on left-hand side operated

operated in or near the centre of the travelled portion of the highway, which is stationary or in motion, shall pass on the left-hand side of such car, having reference to the direction in which such car is travelling; but this shall not apply to a vehicle belonging to a municipal fire department while proceeding to a fire or answering a fire alarm call or where the street car or car of an electric railway is being operated on a highway designated for the use of one-way traffic.

R.S.O. 1950,
c. 167, s. 47,
re-enacted

10. Section 47 of *The Highway Traffic Act*, as amended by section 8 of *The Highway Traffic Amendment Act, 1954*, is repealed and the following substituted therefor:

Soliciting
rides, etc.,
prohibited

47.—(1) No person, while on the travelled portion of a highway, shall,

- (a) solicit a ride from the driver of a motor vehicle other than a public passenger conveyance; or
- (b) stop or attempt to stop a motor vehicle for the purpose of selling or offering to sell any commodity or service to the driver or any other person in the motor vehicle.

Penalty

(2) Any person who violates any of the provisions of subsection 1 is liable for the first offence to a penalty of not less than \$5 and not more than \$10; for the second offence to a penalty of not less than \$10 and not more than \$25; and for any subsequent offence to a penalty of not less than \$25 and not more than \$50 and in addition his licence or permit may be suspended for a period of not more than sixty days.

Littering
highway
prohibited

47a. Every person who throws or deposits or causes to be deposited any glass, nails, tacks or scraps of metal or any rubbish, refuse, waste or litter upon, along or adjacent to a highway, except in receptacles provided for the purpose, is guilty of the offence of littering the highway and is liable for a first offence to a penalty of not less than \$5 and not more than \$10; for a second offence to a penalty of not less than \$10 and not more than \$25; and for any subsequent offence to a penalty of not less than \$25 and not more than \$50 and in addition his licence or permit may be suspended for a period of not more than sixty days.

R.S.O. 1950,
c. 167, s. 54
(1955, c. 29,
s. 9),
amended

11. Section 54 of *The Highway Traffic Act*, as re-enacted by section 9 of *The Highway Traffic Amendment Act, 1955*,

is

is amended by striking out "or permit, or in case the licensee is also the owner of the motor vehicle, then both the licence and permit" in the first, second and third lines and by striking out "or permit or both" in the seventeenth line, so that the section shall read as follows:

54. The licence of a person who is convicted of an offence under section 222 of the *Criminal Code* (Canada) is thereupon and hereby suspended for a period of,

- (a) upon the first offence, six months, but where injury to or the death of any person or damage to property occurred in connection with the offence, one year;
- (b) upon any subsequent offence, one year, but where injury to or the death of any person or damage to property occurred in connection with the offence, two years;

provided that if an order is made under subsection 1 of section 225 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence shall remain suspended during such longer period.

12. Section 54a of *The Highway Traffic Act*, as enacted by R.S.O. 1950, c. 167, s. 54a, section 10 of *The Highway Traffic Amendment Act, 1955*, is (1955, c. 29, s. 10), amended by striking out "or permit, or in case the licensee is also the owner of the motor vehicle, then both the licence and permit" in the first, second and third lines and by striking out "or permit or both" in the twelfth line, so that the section shall read as follows:

54a. The licence of a person who is convicted of an offence under section 223 of the *Criminal Code* (Canada) is (1953-54, c. 51 (Can.)) suspended for driving while ability impaired for a period of three months, but where injury to or death of any person or damage to property occurred in connection with the offence, six months; provided that if an order is made under subsection 1 of section 225 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence shall remain suspended during such longer period.

13. Section 64 of *The Highway Traffic Act*, as re-enacted by R.S.O. 1950, c. 167, s. 64, section 10 of *The Highway Traffic Amendment Act, 1954*, (1954, c. 35, s. 10), is repealed and the following substituted therefor: (re-enacted)

Disposition
of penalties

64.—(1) The penalties collected for offences under this Act shall be paid over,

(a) where the offence was committed in a city or town on any highway except a controlled-access highway, to the city or town;

(b) where the offence was committed in a village or township,

(i) on any highway except the King's Highway, or

(ii) that has an agreement under subsection 2,

to the village or township; and

(c) in every other case, to the Department.

Agreement
with villages
and town-
ships

(2) The Minister and the council of any village or township may enter into agreement upon such terms and conditions as the Minister deems proper, including the right of the Minister to terminate the agreement at any time, for the payment over to the village or township of the penalties collected for offences under this Act where the offence was committed on the King's Highway except a controlled-access highway in the village or township and where the information and complaint was laid by a constable of the village or township.

R.S.O. 1950,
c. 167, s. 68,
subs. 1,
amended

14. Subsection 1 of section 68 of *The Highway Traffic Act* is amended by striking out "and any chauffeur or operator whose licence is under suspension or has been cancelled who operates a motor vehicle shall" in the third and fourth lines and inserting in lieu thereof "shall be guilty of an offence and shall", so that the subsection shall read as follows:

Penalty for
operating
vehicle when
permit sus-
pended or
cancelled

(1) Any person who operates a motor vehicle the permit for which is under suspension or has been cancelled shall be guilty of an offence and shall be liable for a first offence to a penalty of not less than \$25 and not more than \$100, and shall also be liable to imprisonment for a term of not more than thirty days; and for any subsequent offence shall be liable to a penalty of not less than \$100 and not more than \$500 and shall also be liable to imprisonment for a term of not more than six months.

R.S.O. 1950,
c. 167, s. 81,
subs. 1, cl. c
(1953, c. 46,
s. 15),
amended

15. Clause *c* of subsection 1 of section 81 of *The Highway Traffic Act*, as re-enacted by section 15 of *The Highway Traffic Amendment Act, 1953*, is amended by striking out

"268, 284, 285 or 377" in the first line and inserting in lieu thereof "192, 193, 207, 221, 222, 223 or 281", so that the clause shall read as follows:

- (c) any offence under section 192, 193, 207, 221, 222, 223 or 281 of the *Criminal Code* (Canada) as amended<sup>1953-54,
c. 51 (Can.)</sup> or re-enacted from time to time involving the use of a motor vehicle.

16.—(1) Subsection 1 of section 82 of *The Highway Traffic Act* R.S.O. 1950, c. 167, s. 82, is amended by striking out "or in any other province of Canada" in the fourth line, so that the subsection shall read as follows:

- (1) Subject to section 90, the driver's licence and owner's permit or permits of every person who fails to satisfy a judgment rendered against him by any court in Ontario which has become final by affirmation on appeal or by expiry without appeal of the time allowed for appeal, for damages on account of injury to or death of any person, or on account of damage to property, occasioned by a motor vehicle, within fifteen days from the date upon which such judgment became final shall be forthwith suspended by the Registrar, upon receiving a certificate of such final judgment from the court in which the same is rendered, and shall remain so suspended and shall not at any time thereafter be renewed, nor shall any new driver's licence or owner's permit be thereafter issued to such person, until such judgment is satisfied or discharged, otherwise than by a discharge in bankruptcy, to the extent for which financial responsibility is required to be given under section 86, and until such person gives proof of his financial responsibility.

(2) Subsection 2 of the said section 82 is amended by inserting after "state" where it occurs in the second, fifth and ninth lines respectively "or province", so that the subsection shall read as follows:

- (2) The Lieutenant-Governor in Council, upon the report of the Minister that a state or province has enacted legislation similar in effect to subsection 1 and that such legislation extends and applies to judgments rendered and become final against residents of that state or province by any court of competent jurisdiction in Ontario, may declare that the provisions of subsection 1 shall extend and apply to judgments rendered and become final against residents of Ontario by any court of competent jurisdiction in such state or province.

Commencement **17.**—(1) This Act, except section 13, comes into force on the day it receives Royal Assent.

Idem (2) Section 13 comes into force on the 1st day of May, 1956.

Short title **18.** This Act may be cited as *The Highway Traffic Amendment Act, 1956.*

CHAPTER 30

**An Act to amend
The Homes for the Aged Act, 1955**

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Homes for the Aged Act, 1955, c. 30, s. 1, cl. c,* is amended by inserting after "as" in the second line ^{amended} "revised and", so that the clause shall read as follows:

(*c*) "last revised assessment rolls as equalized" means last revised assessment rolls as revised and equalized for the purposes of this Act by the assessor of the territorial district, or, if there is no district assessor, by the Department of Municipal Affairs.

2. Subsection 2 of section 15 of *The Homes for the Aged Act, 1955, c. 30, s. 15, subs. 2,* is repealed and the following substituted therefor: ^{re-enacted}

(2) Where a person is placed in special-home care, the ^{Province to share cost} Treasurer of Ontario until the 31st day of March, 1957, shall pay out of the Consolidated Revenue Fund and thereafter out of moneys appropriated therefor by the Legislature, an amount of \$32.50 monthly or an amount equal to \$32.50 monthly less 50 per cent of any monthly maintenance payments paid by such person or on behalf of such person other than by the municipality, whichever is the lesser.

3. Subsection 2 of section 20 of *The Homes for the Aged Act, 1955, c. 30, s. 20,* is amended by striking out "out of the Consolidated ^{subs. 2, amended} Revenue Fund" in the fourth line and inserting in lieu thereof "until the 31st day of March, 1957, out of the Consolidated Revenue Fund, and thereafter out of moneys appropriated therefor by the Legislature", so that the subsection shall read as follows:

(2) To assist in defraying the cost of establishing such ^{Provincial subsidy} new home or the addition to or extension of such existing home, the Lieutenant-Governor in Council

may

may direct payment until the 31st day of March, 1957, out of the Consolidated Revenue Fund, and thereafter out of moneys appropriated therefor by the Legislature, of such amount as he may determine in accordance with the regulations and based upon the proportion of such cost that is allocated to the unorganized portions of the territorial district in which the home is established.

1955, c. 30,
s. 23, subs. 1,
amended 1955 **4.** Subsection 1 of section 23 of *The Homes for the Aged Act, 1955* is amended by striking out "out of the Consolidated Revenue Fund" in the fourth and fifth lines and inserting in lieu thereof "until the 31st day of March, 1957, out of the Consolidated Revenue Fund, and thereafter out of moneys appropriated therefor by the Legislature", so that the subsection shall read as follows:

Provincial
subsidy on
new build-
ings, etc.

(1) When the Minister has approved the plans for a new building to be used as a home or joint home or for an addition to or an extension of an existing home or joint home, the Lieutenant-Governor in Council may direct payment until the 31st day of March, 1957, out of the Consolidated Revenue Fund, and thereafter out of moneys appropriated therefor by the Legislature, to the one or more municipalities or to the board of management, as the case may be, responsible for the home or joint home, of an amount not exceeding 50 per cent of the cost thereof to the municipality or the municipalities concerned.

Commencement

5.—(1) This Act, except section 1, comes into force on the 1st day of April, 1956.

Idem

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1955.

Short title

6. This Act may be cited as *The Homes for the Aged Amendment Act, 1956*.

CHAPTER 31

**An Act to establish the
Hospital Services Commission of Ontario**

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "Commission" means Hospital Services Commission of Ontario;

(b) "hospital" means any hospital that is supported in whole or in part by provincial aid, and includes any hospital whether in or outside of Ontario that is designated by the Lieutenant-Governor in Council as a hospital for the purpose of receiving patients for approved services under this Act;

(c) "Minister" means the member of the Executive Council designated by the Lieutenant-Governor in Council to administer this Act.

2. The Lieutenant-Governor in Council may from time to time designate a member of the Executive Council to administer this Act.

Responsible Minister

3.—(1) There is hereby constituted on behalf of Her Majesty in right of Ontario a corporation without share capital under the name "Hospital Services Commission of Ontario" which shall be composed of not fewer than three and not more than seven persons as the Lieutenant-Governor in Council from time to time determines.

(2) The members of the Commission shall be appointed by the Lieutenant-Governor in Council and one of them shall be designated as chairman and one of them may be designated as vice-chairman.

(3) The chairman, the vice-chairman, if any, and the other member or members, as the case may be, of the Commission

shall

shall receive such remuneration for their services as the Lieutenant-Governor in Council determines.

Vacancies

4. The Lieutenant-Governor in Council may from time to time fill any vacancy in the membership of the Commission.

Quorum

5. A majority of the members of the Commission constitutes a quorum.

Officers
and
employees

6.—(1) The Commission may appoint and employ upon such terms of employment as it deems desirable a secretary and such other officers and employees as it deems requisite.

Security
by officers

(2) Every person who is entrusted by the Commission with the custody or control of money in the course of his employment shall give security in the manner and form provided by *The Public Officers Act*.

R.S.O. 1950,
c. 311

Function **7.** It is the function of the Commission and it has power,

- (a) to develop and ensure the continuance throughout Ontario of a balanced and integrated system of hospitals and related health facilities;
- (b) to approve the establishment of new and additional hospital facilities;
- (c) to approve the distribution of capital grants for hospital construction;
- (d) to administer any system of hospital-care insurance, including diagnostic services, out-patient services and home-care services, that may be established by the Lieutenant-Governor in Council and to determine the amounts to be paid to hospitals for approved services performed for insured patients under any such system;
- (e) to establish and operate institutes and centres for the training of hospital and related personnel;
- (f) to conduct surveys and research programmes and to obtain statistics for its purposes;
- (g) to perform such other functions and discharge such other duties as may be assigned to it from time to time by the Lieutenant-Governor in Council.

Divisions

8. The Commission may establish,

- (a) an administrative division;

(b)

- (b) a division of hospital planning;
- (c) a division of hospital consultant services;
- (d) a division of hospital accounting;
- (e) a division of hospital-care insurance;
- (f) a division of research and statistics,

and such other divisions as appear from time to time to be appropriate.

9. The moneys required for the purposes of the Commission ^{Moneys} shall be paid out of such moneys as are appropriated therefor by the Legislature.

10.—(1) The Commission shall make annually a report to ^{Annual report} the Minister on the affairs of the Commission.

(2) A copy of the report shall be filed with the Provincial ^{Idem} Secretary who shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session.

11. The Lieutenant-Governor in Council may from time ^{Exclusion of classes of hospitals} to time exclude from the application of this Act any type or class of hospital that he may designate.

12. In the event of conflict between any provision of this ^{Conflict} Act and any provision of any other Act, the provision of this Act prevails.

13. This Act comes into force on the day it receives Royal ^{Commencement} Assent.

14. This Act may be cited as *The Hospital Services Commission Act, 1956.* ^{Short title}

CHAPTER 32

An Act to amend The Insurance Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 27 of *The Insurance Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 183, s. 27,
re-enacted

27.—(1) Every issuer licensed to carry on fire insurance may, subject to its Act of incorporation and subject to the restrictions prescribed by the licence, insure or reinsure any property in which the insured has an insurable interest against loss or damage by fire, lightning or explosion and may insure or reinsure the same property against loss or damage from falling aircraft, earthquake, windstorm, tornado, hail, sprinkler leakage, riot, malicious damage, weather, water damage, smoke damage, civil commotion and impact by vehicles and any one or more perils falling within such other classes of insurance as are prescribed by the regulations. Scope of fire
insurance
licence

(2) An insurer licensed to carry on fire insurance may insure an automobile against loss or damage under a policy falling within Part IV of this Act; but in the case of a purely mutual fire insurance corporation, incorporated or licensed in Ontario and carrying on business on the premium note plan, the automobile shall be specifically insured under a policy separate from that insuring other property. Insurance of
automobiles

2. Section 34 of *The Insurance Act* is repealed. R.S.O. 1950,
c. 183, s. 34,
repealed

3. Section 92 of *The Insurance Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 183, s. 92,
re-enacted

92.—(1) Every policy shall contain the name of the insurer, the name of the insured, the name of the person Contents of
policy

person or persons to whom the insurance money is payable, the premium for the insurance, the subject-matter of the insurance, the indemnity for which the insurer may become liable, the event on the happening of which the liability is to accrue and the term of the insurance.

Application
of section

- (2) This section does not apply to contracts of automobile and guarantee insurance.

R.S.O. 1950,
c. 183, s. 95,
re-enacted

- 4.** Section 95 of *The Insurance Act* is repealed and the following substituted therefor:

Effect of
delivery of
policy

- 95.—(1) Where the policy has been delivered, the contract shall be as binding on the insurer as if the premium had been paid, although it has not in fact been paid, and although delivered by an officer or agent of the insurer who had not authority to deliver it.

Right of
insurer in
respect of
unpaid
premium

- (2) The insurer may sue for the unpaid premium and may deduct the amount thereof from the amount for which he is liable under the contract of insurance.

Where note
or cheque for
premium not
honoured

- (3) Where a cheque, bill of exchange or promissory note or any promise to pay is given, whether originally or by way of renewal, for the whole or part of any premium and the cheque, bill of exchange or promissory note or other promise to pay is not honoured according to its tenor, the insurer may terminate the contract forthwith by giving written notice by registered mail.

R.S.O. 1950,
c. 183, s. 96,
subs. 1,
re-enacted

- 5.** Subsection 1 of section 96 of *The Insurance Act* is repealed and the following substituted therefor:

Insurer
to furnish
forms

- (1) Every insurer, immediately upon receipt of a request, and in any event not later than sixty days after receipt of notice of loss, shall furnish to the insured or person to whom the insurance money is payable forms upon which to make the proof of loss required under the contract.

R.S.O. 1950,
c. 183, s. 97,
re-enacted

- 6.** Section 97 of *The Insurance Act* is repealed and the following substituted therefor:

When action
may be
brought
under
contract

97. No action shall be brought for the recovery of money payable under a contract of insurance until the expiration of sixty days after proof, in accordance with the provisions of the contract,

(a) of the loss; or

(b)

- (b) of the happening of the event upon which the insurance money is to become payable,
or of such shorter period as may be fixed by the contract of insurance.

7. Paragraphs 2 and 3 of section 103 of *The Insurance Act* R.S.O. 1950, c. 183, s. 103, pars. 2, 3, repealed, are repealed.

8. Section 104 of *The Insurance Act* is repealed and the R.S.O. 1950, c. 183, s. 104, re-enacted following substituted therefor:

104.—(1) This Part applies to insurance against loss of or Application of Part damage to property arising from the peril of fire in any contract made in the province except,

- (a) insurance falling within the classes of aircraft, automobile, boiler and machinery, inland transportation, marine, plate glass, sprinkler leakage and theft insurance;
- (b) where the subject-matter of the insurance is rents, charges or loss of profits; or
- (c) where the peril of fire is an incidental peril to the coverage provided.

(2) Notwithstanding subsection 1, this Part applies to Automobiles insurance of an automobile as provided in subsection 2 of section 27.

9. Section 105 of *The Insurance Act*, as amended by R.S.O. 1950, section 1 of *The Insurance Amendment Act, 1953*, is repealed re-enacted and the following substituted therefor:

105.—(1) Subject to subsection 4 of this section and to Extent of coverage by contract clause *a* of section 113, in any contract to which this Part applies, the contract shall be deemed to cover the insured property,

- (a) against fire (whether resulting from explosion or otherwise) not occasioned by or happening through,
 - (i) its undergoing any process involving the application of heat,
 - (ii) riot, civil commotion, war, invasion, act of foreign enemy, hostilities (whether war be declared or not), civil war, rebellion, revolution, insurrection or military power;

(b)

(b) against lightning, but excluding destruction or loss to electrical devices or appliances caused by lightning or other electrical currents unless fire originates outside the article itself and only for such destruction or damage as occurs from such fire;

(c) against explosion due to ignition, not occasioned by or happening through any of the perils specified in subclause ii of clause a, in a building not being part of any gas works, of gas used for domestic purposes or used for lighting or heating the building.

Exception

(2) Unless otherwise specifically provided therein, in any contract to which this Part applies, nuclear change or radioactivity shall not be considered to be a fire or an explosion, but this provision shall not be construed so as to exclude loss or damage caused by fire or explosion resulting from nuclear change or radioactivity.

Coverage where property removed

(3) Where property insured under a contract covering at a specified location is necessarily removed to prevent loss or damage or further loss or damage thereto, that part of the insurance under the contract that exceeds the amount of the insurer's liability for any loss incurred shall, for seven days only or for the unexpired term of the contract if less than seven days, cover the property removed and any property remaining in the original location in the proportions which the value of the property in each of the respective locations bears to the value of the property in them all.

Extended insurance

(4) Nothing in subsection 1 precludes an insurer giving more extended insurance against the perils mentioned therein, but in that case this Part does not apply to the extended insurance.

Power to extend meaning of "lightning" in live stock contracts

(5) An insurer licensed to carry on fire insurance may include in its insurance contracts a clause or endorsement providing that, in the case of live stock insured against death or injury caused by fire or lightning, the word "lightning" is deemed to include other electrical currents.

R.S.O. 1950,
c. 183, s. 107,
re-enacted

10. Section 107 of *The Insurance Act* is repealed and the following substituted therefor:

Form of contract

107. After an application for insurance is made, if it is in writing, any policy sent to the insured shall be deemed to be intended to be in accordance with the terms of the application, unless the insurer points

out in writing the particulars wherein it differs from the application, in which case the insured may, within two weeks from the receipt of the notification, reject the policy.

11. Section 108 of *The Insurance Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 183, s. 108,
re-enacted

108.—(1) Where the loss, if any, under a contract has, with the consent of the insurer, been made payable to a person other than the insured, the insurer shall not cancel or alter the policy to the prejudice of that person without notice to him. Mortgagees
and other
payees

(2) The length of and manner of giving the notice under subsection 1 shall be the same as notice of cancellation to the insured under the statutory conditions in the contract. Form of
notice

108a.—(1) The conditions set forth in this section shall be deemed to be part of every contract in force in Ontario and shall be printed on every policy with the heading "Statutory Conditions" and no variation or omission of or addition to any statutory condition shall be binding on the insured. Statutory
conditions

(2) In this section, "policy" does not include interim receipts or binders. Interpre-
tation

STATUTORY CONDITIONS

Misrepresentation

1. If any person applying for insurance falsely describes the property to the prejudice of the insurer, or misrepresents or fraudulently omits to communicate any circumstance which is material to be made known to the insurer in order to enable it to judge of the risk to be undertaken, the contract shall be void as to any property in relation to which the misrepresentation or omission is material.

Property of Others

2. Unless otherwise specifically stated in the contract, the insurer is not liable for loss or damage to property owned by any person other than the insured, unless the interest of the insured therein is stated in the contract.

Change of Interest

3. The insurer shall be liable for loss or damage occurring after an authorized assignment under the *Bankruptcy Act* or change of title by succession, by operation of law, or by death.

Material Change

4. Any change material to the risk and within the control and knowledge of the insured shall avoid the contract as to the part affected thereby, unless the change is promptly notified in writing to the insurer or its local agent; and the insurer when so notified may return the unearned portion, if any, of the premium paid and cancel the contract, or may notify the insured in writing that, if he desires the

contract to continue in force, he must, within fifteen days of the receipt of the notice, pay to the insurer an additional premium; and in default of such payment the contract shall no longer be in force and the insurer shall return the unearned portion, if any, of the premium paid.

Termination of Insurance

5.—(1) The insurance may be terminated:

- (a) subject to the statutory provision relating to cases where loss under the contract has, with the consent of the insurer, been made payable to some person other than the insured, by the insurer giving to the insured at any time fifteen days notice of cancellation by registered mail, or five days notice of cancellation personally delivered, and, if the insurance is on the cash plan, by refunding the excess of premium actually paid by the insured beyond the pro rata premium for the expired time;
- (b) if on the cash plan, by the insured giving written notice of termination to the insurer, in which case the insurer shall, upon surrender of this policy, refund the excess of premium actually paid by the insured beyond the customary short rate for the expired time.
- (2) Repayment of the excess premium may be made by money, postal or express company money order, or by cheque payable at par.
- (3) If the notice is given by registered letter the repayment shall accompany the notice.
- (4) The fifteen days mentioned in clause *a* of subparagraph 1 of this condition shall commence to run from the day following the receipt of the registered letter at the post office to which it is addressed.

Requirements After Loss

6.—(1) Upon the occurrence of any loss or damage to the insured property, the insured shall, if such loss or damage is covered by the contract, in addition to observing the requirements of conditions 9, 10 and 11,

- (a) forthwith give notice thereof in writing to the insurer;
- (b) deliver as soon as practicable to the insurer a proof of loss verified by a statutory declaration,
 - (i) giving a complete inventory of the destroyed and damaged property and showing in detail quantities, costs, actual cash value and particulars of amount of loss claimed,
 - (ii) stating when and how the loss occurred, and if caused by fire or explosion due to ignition, how the fire or explosion originated, so far as the insured knows or believes,
 - (iii) stating that the loss did not occur through any wilful act or neglect or the procurement, means or connivance of the insured,
 - (iv) showing the amount of other insurances and the names of other insurers,
 - (v) showing the interest of the insured and of all others in the property with particulars of all liens, encumbrances and other charges upon the property,
 - (vi) showing any changes in title, use, occupation, location, possession or exposures of the property since the issue of the contract,
 - (vii) showing the place where the property insured was at the time of loss;
- (c) if required give a complete inventory of undamaged property and showing in detail quantities, cost, actual cash value;

(d)

(d) if required and if practicable, produce books of account, warehouse receipts and stock lists, and furnish invoices and other vouchers verified by statutory declaration, and furnish a copy of the written portion of any other contract.

(2) The evidence furnished under clauses (c) and (d) of subparagraph (1) of this condition shall not be considered proofs of loss within the meaning of conditions 12 and 13.

Fraud

7. Any fraud or wilfully false statement in a statutory declaration in relation to any of the above particulars, shall vitiate the claim of the person making the declaration.

Who may give notice and proof

8. Notice of loss may be given, and proof of loss may be made, by the agent of the insured named in the contract in case of absence or inability of the insured to give the notice or make the proof, and absence or inability being satisfactorily accounted for, or in the like case, or if the insured refuses to do so, by a person to whom any part of the insurance money is payable.

Salvage

9.—(1) The insured, in the event of any loss or damage to any property insured under the contract, shall take all reasonable steps to prevent further damage to any such property so damaged and to prevent damage to other property insured hereunder including, if necessary, its removal to prevent damage or further damage thereto.

(2) The insurer shall contribute pro rata towards any reasonable and proper expenses in connection with steps taken by the insured and required under subparagraph 1 of this condition according to the respective interests of the parties.

Entry, Control, Abandonment

10. After any loss or damage to insured property, the insurer shall have an immediate right of access and entry by accredited agents sufficient to enable them to survey and examine the property, and to make an estimate of the loss or damage, and, after the insured has secured the property, a further right of access and entry sufficient to enable them to make appraisement or particular estimate of the loss or damage, but the insurer shall not be entitled to the control or possession of the insured property, and without the consent of the insurer there can be no abandonment to it of insured property.

Appraisal

11.—(1) If any difference arises as to the value of the property insured, the property saved or the amount of the loss, that value and amount shall, whether the right to recover on the contract is disputed or not, be ascertained by two competent and disinterested appraisers, the insured and the insurer each selecting one, and the two so chosen then selecting a competent and disinterested umpire.

(2) The appraisers together shall then estimate and appraise the loss or damage; stating separately the sound values and damage and, failing to agree, shall submit their differences to the umpire; and the finding in writing of any two shall determine the value of the property insured, the property saved and the amount of loss.

(3) The parties thereto shall pay the appraisers respectively selected by them, and shall bear equally the expense of the appraisal and umpire.

When Loss Payable

12. The loss shall be payable within sixty days after completion of the proof of loss, unless the contract provides for a shorter period.

Replacement

13.—(1) The insurer, instead of making payment, may repair, rebuild, or replace the property damaged or lost, giving written notice of its intention so to do within thirty days after receipt of the proofs of loss.

(2) In that event the insurer shall commence to so repair, rebuild, or replace the property within forty-five days after receipt of the proofs of loss, and shall thereafter proceed with all due diligence to the completion thereof.

Action

14. Every action or proceeding against the insurer for the recovery of any claim under or by virtue of this contract shall be absolutely barred unless commenced within one year next after the loss or damage occurs.

Notice

15.—(1) Any written notice to the insurer may be delivered at, or sent by registered post to, the chief agency or office of the insurer in the Province or delivered or so sent to any authorized agent of the insurer therein.

(2) Written notice may be given to the insured by letter personally delivered to him or by registered letter addressed to him at his latest post office address notified to the insurer, or, where no address is notified and the address is not known, addressed to him at the post office of the agency, if any, from which the application was received.

R.S.O. 1950,
c. 183, s. 109,
re-enacted

12. Section 109 of *The Insurance Act* is repealed and the following substituted therefor:

Limitation
of liability
clauses

109. A contract containing a co-insurance, average, average distribution or other clause that requires or may require the insured to contribute to any loss shall have printed or stamped upon its face in red ink the words: "This policy contains a clause which may limit the amount payable", and unless those words are so printed or stamped the clause shall not be binding upon the insured.

R.S.O. 1950,
c. 183, s. 110,
re-enacted

13. Section 110 of *The Insurance Act* is repealed and the following substituted therefor:

Rateable
contribution

110.—(1) Where, on the happening of any loss or damage to property insured, there is in force more than one contract covering the same interest, the insurers under the respective contracts shall each be liable to the insured for its rateable proportion of the loss unless it is otherwise expressly agreed in writing between the insurers.

Effect of
policy may
not be
postponed

(2) For the purpose of subsection 1, a contract shall be deemed to be in force notwithstanding any term thereof that the policy shall not cover, come into force, attach, or become insurance with respect to the property until after full or partial payment of any loss under any other policy.

Certain
restrictions
valid

(3) Nothing in subsection 1 affects the validity of any divisions of the sum insured into separate items, or

any

any limits of insurance on specified property, or any clause referred to in section 109 or any contract condition limiting or prohibiting the having or placing of other insurance.

- (4) Nothing in subsection 1 affects the operation of any deductible clause and,
- Ascertainment
of
rateable
proportions
- (a) where one contract contains a deductible, the pro rata proportion of the insurer under that contract shall be first ascertained without regard to the clause and then the clause shall be applied only to affect the amount of recovery under that contract; and
 - (b) where more than one contract contains a deductible, the pro rata proportion of the insurers under those contracts shall be first ascertained without regard to the deductible clauses and then the highest deductible shall be pro rated among the insurers with deductibles and these pro rated amounts shall affect the amount of recovery under those contracts.

- (5) Notwithstanding subsection 1, insurance on identified articles shall be a first loss insurance as against all other insurance.
- Insurance
on identified
articles

14. Section 111 of *The Insurance Act* is repealed.

R.S.O. 1950,
c. 183, s. 111,
repealed

15. Section 112 of *The Insurance Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 183, s. 112,
re-enacted

112. Where there has been imperfect compliance with a statutory condition as to the proof of loss to be given by the insured and a consequent forfeiture or avoidance of the insurance, in whole or in part, and the court deems it inequitable that the insurance should be forfeited or avoided on that ground, the court may relieve against the forfeiture or avoidance on such terms as may seem just.
- Relief from
forfeiture

16. Section 113 of *The Insurance Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 183, s. 113,
re-enacted

113. Where a contract,

Special
stipulations

- (a) excludes any loss that would otherwise fall within the coverage prescribed by section 105;
- or

(b)

- (b) contains any stipulation, condition or warranty that is or may be material to the risk including, but not restricted to, a provision in respect to the use, condition, location or maintenance of the insured property,

the exclusion, stipulation, condition or warranty shall not be binding upon the insured if it is held to be unjust or unreasonable by the court before which a question relating thereto is tried.

Waiver of term or condition

- 113a.**—(1) No term or condition of a contract shall be deemed to be waived by the insurer in whole or in part unless the waiver is clearly expressed in writing signed by a person authorized for that purpose by the insurer.

Idem

- (2) Neither the insurer nor the insured shall be deemed to have waived any term or condition of a contract by any act relating to the appraisal of the amount of loss or to the delivery and completion of proofs, or to the investigation or adjustment of any claim under the contract.

Subrogation

- 113b.**—(1) The insurer, upon making any payment or assuming liability therefor under a contract of fire insurance, shall be subrogated to all rights of recovery of the insured against any person, and may bring action in the name of the insured to enforce such rights.

Where amount recovered is not sufficient to indemnify

- (2) Where the net amount recovered after deducting the costs of recovery is not sufficient to provide a complete indemnity for the loss or damage suffered, that amount shall be divided between the insurer and the insured in the proportions in which the loss or damage has been borne by them respectively.

R.S.O. 1950,
c. 183,
Part VII
(ss. 218-226),
re-enacted

17. Part VII of *The Insurance Act*, as amended by section 18 of *The Insurance Amendment Act, 1951*, is repealed and the following substituted therefor:

PART VII

ACCIDENT AND SICKNESS INSURANCE

Interpre-
tation

- 218.** In this Part,

- (a) “contract” means a contract of accident insurance or of sickness insurance or of both;

(b)

- (b) "creditor's group accident insurance" and "creditor's group sickness insurance" mean, respectively, accident insurance and sickness insurance effected by a creditor whereby the lives or well-being or the lives and well-being of a number of his debtors are insured severally under a single contract;
- (c) "group accident insurance" and "group sickness insurance" mean, respectively, accident insurance and sickness insurance, other than creditor's group accident insurance and creditor's group sickness insurance, whereby the lives or well-being or the lives and well-being of a number of persons are insured severally under a single contract between an insurer and an employer or other person contracting with the insurer;
- (d) "insured" means a person who makes a contract with an insurer;
- (e) "person" includes a firm, partnership or corporation, an unincorporated society or association, and a trade union;
- (f) "person insured" means a person in respect of an accident to whom, or in respect of whose sickness, benefits are payable under a contract.

APPLICATION OF PART

219.—(1) This Part applies to accident insurance and to ^{Application} sickness insurance and to an insurer carrying on the business of accident insurance or sickness insurance or both.

- | | |
|---|-------------------|
| <ul style="list-style-type: none"> (2) This Part does not apply to, (a) creditor's group accident insurance; (b) creditor's group sickness insurance; (c) disability insurance; (d) double indemnity insurance; or (e) insurance provided under section 212a. | <i>Exceptions</i> |
|---|-------------------|

(3) This Part, except sections 220, 226b, 226c, 226i, 226k, ^{Group insurance} 226l, 226m and 226p, does not apply to group accident insurance or group sickness insurance.

THE CONTRACT OF INSURANCE

Policy to
evidence
contract

Contents
of policy

Exceptions
or
reductions

Idem

Idem

Where not
applicable

Statutory
conditions

220. A contract shall be evidenced by an instrument in writing called, in this Part, a policy.

221. The policy shall contain the name and address of the insurer, the name of the insured, the name of the person to whom the insurance money is payable, the premium for the insurance, the indemnity for which the insurer may become liable, the event on the happening of which such liability is to accrue, and the term of the insurance.

222.—(1) Subject to subsections 2, 3 and 4 of this section, to the statutory conditions in section 223 and to section 226j, the insurer shall set forth in the policy every exception or reduction affecting the amount payable under the contract, either in the provision affected by the exception or reduction or under a heading such as "Exceptions" or "Reductions".

(2) Where the exception or reduction affects only one provision in the policy, it shall be set forth in that provision.

(3) Where the exception or reduction is contained in an endorsement, insertion or rider, the endorsement, insertion or rider shall, unless it affects all amounts payable under the contract, make reference to the provisions in the policy affected by the exception or reduction.

(4) This section does not apply to a policy issued by a fraternal society.

223. Subject to section 224, the conditions set forth in this section shall be deemed to be part of every contract and shall be printed on every policy with the heading "Statutory Conditions".

STATUTORY CONDITIONS

1.—(1) The Contract This policy, including the endorsements, insertions or riders, if any, and the application for the contract if attached to the policy, constitutes the entire contract and no agent has authority to change the contract or waive any of its provisions.

(2) Waiver The insurer shall be deemed not to have waived any condition of this contract, either in whole or in part, unless the waiver is clearly expressed in writing signed by the insurer.

2. Material Facts No statement made by the insured on his application for this contract may be used in defence of a claim under, or to avoid, this contract unless it is contained in the written application for the contract and unless a copy of the application, or such part thereof as is material to the contract, is endorsed upon, inserted in or attached to the policy when issued.

3.—(1) Changes in Occupation If, after this policy is issued, the person insured engages for compensation in an occupation that is classified by the insurer as more hazardous than that stated in this policy, the liability under this contract is limited to the amount that the premium paid would have purchased for the more hazardous occupation according to the limits, classification of risks and premium rates in use by the insurer at the time the person insured engaged in the more hazardous occupation.

(2) If the person insured changes his occupation from that stated in this policy to an occupation classified by the insurer as less hazardous and so advises the insurer in writing, the insurer shall either

- (a) reduce the premium rate, or
- (b) issue a policy for the unexpired term of this contract at the lower rate of premium applicable to the less hazardous occupation,

according to the limits, classification of risks and premium rates used by the insurer at the date of receipt of advice of the change in occupation, and shall refund to the insured the amount by which the unearned premium on this contract exceeds the premium at the lower rate for the unexpired term.

4. Relation of Earnings to Insurance

Where the benefits for loss of time payable hereunder, either alone or together with benefits for loss of time under another contract, including a contract of group accident insurance or group sickness insurance or of both and a life insurance contract providing disability insurance, exceed the money value of the time of the person insured, the insurer is liable only for that proportion of the benefits for loss of time stated in this policy that the money value of the time of the person insured bears to the aggregate of the benefits for loss of time payable under all such contracts and the excess premium, if any, paid by the insured shall be returned to him by the insurer.

5. Termination by Insured

The insured may terminate the contract at any time by giving written notice of termination to the insurer by registered mail to its head office or chief agency in the province or by delivery thereof to an authorized agent of the insurer in the province and the insurer shall, upon surrender of this policy, refund the amount of premium paid in excess of the short rate premium for the expired time according to the table in use by the insurer at the time of termination.

6.—(1) Termination by Insurer

The insurer may terminate the contract at any time by giving written notice of termination to the insured and by refunding concurrently with the giving of notice the amount of premium paid in excess of the pro rata premium for the expired time.

(2) The notice of termination may be delivered to the insured, or it may be sent by registered mail to the latest address of the insured on the records of the insurer.

(3) Where the notice of termination is delivered to the insured, five days notice of termination shall be given; where it is mailed to the insured, ten days notice of termination shall be given and the ten days shall begin on the day following the arrival of the notice at the post office to which it is addressed.

7.—(1) Notice and Proof of Claim The insured or his agent, or a beneficiary entitled to make a claim or his agent, shall

- (a) give written notice of claim to the insurer
 - (i) by delivery thereof, or by sending it by registered mail, to the head office or chief agency of the insurer in the province, or
 - (ii) by delivery thereof to an authorized agent of the insurer in the province,

not later than thirty days from the date of the accident or the beginning of the disability due to sickness;

- (b) within ninety days from the date of the accident or the beginning of the disability due to sickness for which the claim is made, furnish to the insurer such proof of claim as is reasonably possible in the circumstances of the happening of the accident or sickness and the loss occasioned thereby; and
- (c) if so required by the insurer, furnish a certificate as to the cause and nature of the accident or sickness for which the claim is made and as to the duration of the disability caused thereby, from a medical practitioner legally qualified to practise in the province.

(2) Failure to Give Notice or Proof Failure to give notice of claim or furnish proof of claim within the time prescribed in this statutory condition will not invalidate the claim if the notice or proof is given or furnished as soon as reasonably possible and in no event later than one year from the date of the accident or the beginning of the disability due to sickness and if it is shown that it was not reasonably possible to give notice or furnish proof within the time so prescribed.

8. Insurer to Furnish Forms for Proof of Claim

The insurer shall furnish forms for proof of claim within fifteen days after receiving notice of claim but where the claimant has not received the forms within that time he may submit his proof of claim in the form of a written statement of the happening and character of the accident or sickness giving rise to the claim and of the extent of the loss.

9. Right of Examination

The insurer has the right, and the claimant shall afford to the insurer an opportunity, to examine the person of the person insured when and as often as it may reasonably require while the claim hereunder is pending, and also, in the case of the death of the person insured to make an autopsy subject to any law of the province relating to autopsies.

10. When Moneys Payable Other Than for Loss of Time

All moneys payable under this contract other than benefits for loss of time shall be paid by the insurer within sixty days after it has received proof of claim.

11. When Loss of Time Benefits Payable

The initial benefits for loss of time shall be paid by the insurer within thirty days after it has received proof of claim, and payments shall be made thereafter within each succeeding sixty-day period while the insurer remains liable for the payments if the insured, whenever required to do so, furnishes prior to payment proof of continuing disability.

12. Limitation of Actions

An action or proceeding against the insurer for the recovery of a claim under this contract shall not be begun after one year from the date on which the cause of action arose.

Omission or variation of conditions

224.—(1) Where a statutory condition is not applicable to the benefits provided by the contract it may be omitted from the policy or varied so that it will be applicable.

Idem

(2) Statutory conditions 3, 4 and 9 may be omitted from the policy if the contract does not contain any provisions respecting the matters dealt with therein.

Idem

(3) Statutory conditions 5 and 6 may be omitted from the policy if the contract does not provide that it may be terminated by the insurer.

(4) Statutory conditions 3, 4, 5, 6 and 9, and statutory condition 7 except, in policies providing benefits for loss of time, clauses *a* and *b* of paragraph 1 thereof, may be varied but if by reason of the variation the contract is less favourable to the insured, person insured or beneficiary than it would be if the condition had not been varied, the condition shall be deemed to be included in the policy in the form in which it appears in section 223.

(5) Statutory conditions 10 and 11 may be varied by shortening the periods of time prescribed therein and statutory condition 12 may be varied by lengthening the period of time prescribed therein.

(6) The title of a statutory condition shall be reproduced in the policy along with the statutory condition but the number of a statutory condition may be omitted.

(7) In the case of a contract made by a fraternal society,

(a) the following provision shall be printed on every policy in substitution for paragraph 1 of statutory condition 1 in section 223:

1.—(1) The Contract This policy, the Act or instrument of incorporation of the insurer, its constitution, by-laws and rules, and the amendments made from time to time to its constitution, by-laws or rules, the application for the contract and the medical statement of the applicant constitute the entire contract and no agent has authority to change the contract or waive any of its provisions.

and

(b) statutory condition 5 in section 223 shall not be printed on the policy.

225. Where a policy of accident insurance is issued through the agency of a transportation corporation that holds a licence issued under section 290, the statutory conditions set out in section 223 need not be printed on the policy if the policy contains the following notice printed in conspicuous type: "Notwithstanding any other provision herein contained this contract is subject to the statutory conditions respecting contracts of accident insurance."

226.—(1) Where a policy is delivered, the contract is binding on the insurer as if the premium had been paid, although it has not in fact been paid, and although delivered by an officer or agent of the insurer who did not have authority to deliver it.

Right where premium unpaid

(2) The insurer may deduct the unpaid premium from the amount for which it may become liable under the contract or may sue the insured therefor.

Where cheque or note for premium not paid

(3) Where the premium or a part thereof is paid by a cheque or a promissory note and the cheque is not paid on presentation or the promissory note is not paid at maturity, the contract is voidable at the option of the insurer.

Fraternal contracts

(4) This section does not apply to a contract made by a fraternal society.

INSURABLE INTEREST

Insurable interest in own life and well-being

226a. Every person has an insurable interest in his own life and well-being.

Insurable interest in lives and well-being of others

226b. Without restricting the meaning that "insurable interest" now has in law, each of the following persons has an insurable interest:

- (a) a parent in the life and well-being of his child under twenty-five years of age;
- (b) a husband in the life and well-being of his wife;
- (c) a wife in the life and well-being of her husband;
- (d) one person in the life and well-being of another upon whom he is wholly or in part dependent for support or education, or from whom he is receiving support or education;
- (e) a corporation or other person in the life and well-being of its or his officer or employee;
- (f) a person who has a pecuniary interest in the duration of the life and continued well-being of another person, in the life and well-being of that person.

Contract void without insurable interest

226c.—(1) A contract is void, if, at the time at which it would otherwise take effect and be binding, the insured has no insurable interest in the person insured.

Group contracts

(2) Notwithstanding subsection 1, a contract of group accident insurance or of group sickness insurance or of both is valid if it provides benefits solely for the persons insured under the contract.

When insur-
able interest
unnecessary

226d. Where the insured has at the time at which the contract takes effect an insurable interest in the person in-

sured,

sured, it is not necessary for the validity of the contract or an assignment thereof that a beneficiary, or a person claiming under an assignment, or by will or by succession, have an insurable interest.

POLICIES ON THE LIVES OF MINORS

226e. A minor, after attaining the age of fifteen years, has ^{Capacity of minors} the capacity of a person of full age,

- (a) to effect a contract on his own life or well-being and to deal with the contract;
- (b) to deal with a contract on his own life or well-being effected by him before attaining the age of fifteen years;
- (c) to deal with his interest in a contract effected on his life or well-being by another, whether effected before or after the minor attained the age of fifteen years; and
- (d) if married, to effect a contract on the life or well-being of his spouse or of his children, or of both, and to deal with the contract.

MISREPRESENTATION AND NON-DISCLOSURE

226f. The statements made by the insured in his application ^{Statements in} for the contract are, in the absence of fraud, representations ^{application} and not warranties.

226g.—(1) Except as provided in subsection 2, after a ^{Incontestability} contract, including renewals thereof, has been in force for two years with respect to a person insured, every statement made in the written application in respect of that person, other than a fraudulent statement or a statement erroneous as to age, shall be deemed to be true and is incontestable.

. (2) Where a claim arises from a loss incurred or a disability ^{Exception} beginning before a contract, including renewals thereof, has been in force for two years with respect to the person in respect of whom the claim is made, subsection 1 does not apply to that claim.

226h. Where a person insured suffers or has suffered from a ^{Pre-existing conditions} disease or physical condition that existed prior to the date the contract came into force with respect to that person and the disease or physical condition is not specifically excluded from the insurance,

(a)

- (a) the prior existence of the disease or physical condition is not, except in the case of fraud, available as a defence against liability, in whole or in part, for a loss incurred or a disability beginning after the contract, including renewals thereof, has been in force for two years with respect to that person; and
- (b) the existence of the disease or physical condition is not, except in the case of fraud, available as a defence against liability, in whole or in part, if the disease or physical condition was disclosed in the written application for the contract.

BENEFICIARIES

**Designation
of
beneficiary**

226i.—(1) Where insurance money is payable upon death by accident, the insured, or in the case of group accident insurance the person insured, may designate in writing a beneficiary to receive the insurance money or part thereof and may alter or revoke in writing any prior designation.

**Death of
beneficiary**

(2) If the beneficiary is not living at the time of the death of the person insured, the insurance money is payable to the insured or his estate or in the case of group accident insurance the estate of the person insured, unless the instrument by which the beneficiary is designated otherwise provides.

**Right to
sue**

(3) A beneficiary designated pursuant to subsection 1 may upon the death of the person insured enforce for his own benefit the payment of insurance money payable to him and payment to the beneficiary discharges the insurer, but the insurer may set up any defence that it could have set up against the insured, or the person insured in the case of group accident insurance, or the personal representative of either of them.

MISCELLANEOUS

**Misstate-
ment of age**

226j.—(1) Subject to subsection 2, if the age of the person insured has been misstated, the amounts payable under the contract are those that the premium paid would have purchased, if the correct age had been stated.

**True age
governs**

(2) Where the age of the person insured affects the commencement or termination of the insurance, the true age governs.

**Presumption
of death**

226k. Where a contract provides for the payment of moneys upon the death by accident of the person insured and the person insured and the beneficiary perish in the same disaster, it shall be *prima facie* presumed that the beneficiary died first.

226l.—(1) Where the insurer admits liability for the insurance money or any part thereof, and it appears to the insurer that,

- (a) there are adverse claimants;
- (b) the place of abode of a person entitled is unknown; or
- (c) there is no person capable of giving and authorized to give a valid discharge, who is willing to do so,

the insurer may apply *ex parte* to the court for an order for payment of the money into court, and the court may upon such notice, if any, as it thinks necessary make an order accordingly.

(2) The court may fix and ascertain without taxation the costs incurred upon or in connection with any application or order made under subsection 1 and may order the costs to be paid out of the insurance money or by the insurer or otherwise as seems just.

(3) A payment made pursuant to an order under subsection 1 discharges the insurer to the extent of the payment.

226m. Where insurance money is payable to a beneficiary or to the estate of the insured or of the person insured, the insurer may, if the contract so provides, pay an amount not exceeding \$2,000 to,

- (a) a relative by blood or connection by marriage of the insured or of the person insured; or
- (b) any person appearing to the insurer to be equitably entitled thereto by reason of having incurred expense for the maintenance, medical attendance or burial of the insured or person insured or to have a claim against the estate of the insured or of the person insured in relation thereto.

226n. The insurer shall not, in the policy, give undue prominence to any provision or statutory condition as compared to other provisions or statutory conditions, unless the effect of that provision or statutory condition is to increase the premium or decrease the benefits otherwise provided for in the policy.

226o. Where there has been imperfect compliance with a statutory condition as to the proof of loss to be given by the claimant

Payment into court

Costs of proceedings

Discharge of insurer

Payments not exceeding \$2,000

Undue prominence

Relief from forfeiture

claimant or as to any matter or thing to be done or omitted by the insured or claimant with respect to the loss insured against, and a consequent forfeiture or avoidance of the insurance in whole or in part, and a court before which a question relating thereto is tried deems it inequitable that the insurance should be forfeited or avoided on that ground, the court may relieve against the forfeiture or avoidance on such terms as it deems just.

**Presumption
against
agency**

226*p*. No officer, agent, employee or servant of the insurer or any person soliciting accident insurance or sickness insurance or both, whether an agent of the insurer or not, shall, to the prejudice of the insured or of the person insured, be deemed to be for any purpose whatever the agent of the insured or of the person insured in respect of any question arising out of the contract.

Commencement

18.—(1) This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Application

(2) Except as provided in subsection 3, this Act applies only to contracts made on or after the day this Act comes into force.

Exception

(3) Sections 226*g*, 226*h*, 226*i*, 226*j* and 226*l* of *The Insurance Act*, as enacted by section 17, apply to contracts in effect on the day this Act comes into force.

Short title

19. This Act may be cited as *The Insurance Amendment Act, 1956*.

CHAPTER 33

**An Act to amend
The Junior Farmer Establishment Act, 1952**

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 2 of *The Junior Farmer Establishment Act, 1952*, ^{s. 2, subs. 1,} amended by striking out “\$10,000,000” in the fifth line and inserting in lieu thereof “\$20,000,000”, so that the subsection, exclusive of the clauses, shall read as follows:

(1) To carry out its object the Corporation has power, ^{Borrowing powers} with the approval of the Lieutenant-Governor in Council and subject to the regulations, to raise from time to time, by way of loan, any sum or sums of money not exceeding in the aggregate \$20,000,000 outstanding at any one time, and such loans may be made in any or all of the following ways or partly in one and partly in another or others:

.

(2) Subsection 2 of the said section 2 is amended by striking out “\$10,000,000” in the first line and inserting in lieu thereof “\$20,000,000”, so that the subsection, exclusive of the clauses, shall read as follows:

(2) Subject to the aggregate sum of \$20,000,000 outstanding at any one time mentioned in subsection 1 not being exceeded, the Corporation has power, with the approval of the Lieutenant-Governor in Council and subject to the regulations, to raise from time to time, by way of loan and by any of the ways set forth in subsection 1, any sum or sums of money for any one or more of the following purposes:

.

1952, c. 45,
s. 16,
amended

2. Section 16 of *The Junior Farmer Establishment Act, 1952* is amended by adding at the end thereof "or by the spouse of the borrower or by both of them", so that the section shall read as follows:

Limitation
as to loan
and security
therefor

16. No loan shall exceed \$15,000, and every loan shall be secured by a first mortgage upon the lands farmed or to be farmed by the borrower or by the spouse of the borrower or by both of them.

1952, c. 45,
s. 26,
amended

3. Section 26 of *The Junior Farmer Establishment Act, 1952* is amended by striking out "the Consolidated Revenue Fund" in the second line and inserting in lieu thereof "such moneys as are appropriated therefor by the Legislature", so that the section shall read as follows:

Cost of
administra-
tion

26. The cost of administration of this Act shall be paid out of such moneys as are appropriated therefor by the Legislature.

Commence-
ment

4.—(1) This Act, except section 3, comes into force on the day it receives Royal Assent.

Idem

(2) Section 3 comes into force on the 1st day of April, 1957.

Short title

5. This Act may be cited as *The Junior Farmer Establishment Amendment Act, 1956*.

CHAPTER 34

An Act to amend The Jurors Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1a of section 47 of *The Jurors Act*, R.S.O. 1950, c. 191, s. 47, as enacted by subsection 1 of section 9 of *The Jurors Amendment Act, 1955*, is amended by inserting after “who” in the third line “in the presence of the clerk of the peace and a justice of the peace”, so that the subsection shall read as follows:

(1a) Where any number of jurors are to be released from service before the sittings under this section, the judge shall so advise the sheriff who, in the presence of the clerk of the peace and a justice of the peace, shall place all the cards upon which the names of the jurors are written in the box provided for that purpose and shall cause it to be thoroughly shaken and shall then withdraw from the box, one at a time, the number of cards equivalent to the number of jurors who are to be released, and the sheriff shall notify in writing the persons whose names appear on the cards that they are released.

(2) The said section 47, as amended by section 9 of *The Jurors Amendment Act, 1955*, is further amended by adding thereto the following subsection:

(1b) For each selection of jurors to be released from service before the sittings under this section, the justice of the peace in attendance shall receive the sum of \$5 from the treasurer of the county where the sittings take place upon receipt of the sheriff's certificate of such attendance.

2. Section 57 of *The Jurors Act* is repealed and the following substituted therefor:

Sheriff to
give notice
and draft
panel

57.—(1) Upon receipt of the precept, the sheriff shall post up in his office, and also on the door of the court house of the county, or if there is no court house, then in some other public place, written notice of the day and hour at which he will attend at the office of the clerk of the peace to draft the panel of jurors, and at that time and place he shall draft the panel by ballot from the jury list in the presence of the clerk of the peace and a justice of peace required to attend upon reasonable notice from the sheriff.

Remunera-
tion of
justice of
the peace

(2) For each panel drafted, the justice of the peace in attendance shall receive the sum of \$5 from the treasurer of the county for which the panels were drafted upon receipt of the sheriff's certificate of such attendance.

R.S.O. 1950,
c. 191, s. 61,
par. 1,
amended

3.—(1) Paragraph 1 of section 61 of *The Jurors Act* is amended by striking out "one of the justices of the peace" in the seventh line and inserting in lieu thereof "the justice of the peace in attendance", so that the paragraph shall read as follows:

1. The sheriff shall place the ballot papers in a box or urn, and shall cause it to be shaken so as sufficiently to mix the ballot papers, and he shall then openly draw from the box or urn indiscriminately one of the ballot papers, and declare openly the number on such ballot paper, whereupon the clerk of the peace, or the justice of the peace in attendance, shall immediately declare aloud the name of the person opposite whose name the corresponding number is placed on the jury list.

R.S.O. 1950,
c. 191, s. 61,
par. 6,
amended

(2) Paragraph 6 of the said section 61 is amended by striking out "justices of the peace" in the fifth line and inserting in lieu thereof "the justice of the peace" and by striking out "justices" in the ninth line and inserting in lieu thereof "justice of the peace", so that the paragraph shall read as follows:

6. The panel so alphabetically arranged and numbered, with a short statement of the precept in obedience to which it has been drafted, the date and place of such drafting, and the names of the sheriff, or his deputy, and of the clerk of the peace and the justice of the peace, present at such drafting, or of at least two of them, shall then be entered in the juror's book, and attested by the signatures of the sheriff, or his deputy, and of the clerk of the peace and the justice of the peace, or at least two of them.

4. Section 101 of *The Jurors Act* is amended by adding R.S.O. 1950,
thereto the following item: c. 191, s. 101,
amended

8a. For each selection of jurors to be released
before sittings of a court \$ 5.00

5. This Act may be cited as *The Jurors Amendment Act*, Short title
1956.

CHAPTER 35

An Act to amend The Labour Relations Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of *The Labour Relations Act*, as re-enacted by R.S.O. 1950, section 5 of *The Labour Relations Amendment Act, 1954*, is <sup>c. 194, s. 12
(1954, c. 42,
s. 5),</sup> amended by adding thereto the following subsection: ^{amended}

(2) Notwithstanding subsection 1, where a bargaining unit consists of not more than fifteen employees, the bargaining committee may consist of one of such employees.

2. Section 28 of *The Labour Relations Act* is repealed. <sup>R.S.O. 1950,
c. 194, s. 28,
repealed</sup>

3. *The Labour Relations Act* is amended by adding thereto the following section: <sup>R.S.O. 1950,
c. 194,
amended</sup>

44a.—(1) Where a trade union claims that by reason of a merger or amalgamation or a transfer of jurisdiction it is the successor of a trade union that at the time of the merger, amalgamation or transfer of jurisdiction was the bargaining agent of a unit of employees of an employer and any question arises in respect of its right to act as the successor, the Board, in any proceeding before it or on the application of any person concerned, may declare that the successor has or has not, as the case may be, acquired the rights, privileges and duties under this Act of its predecessor, or the Board may dismiss the application. <sup>Declaration
of
successor
union</sup>

(2) Before issuing a declaration under subsection 1, the Board may make such inquiry, require the production of such evidence or hold such representation votes as it deems appropriate.

Idem

- (3) Where the Board makes an affirmative declaration under subsection 1, the successor shall for the purposes of this Act be conclusively presumed to have acquired the rights, privileges and duties of its predecessor, whether under a collective agreement or otherwise, and the employer, the successor and the employees concerned shall recognize such status in all respects.

R.S.O. 1950,
c. 194, s. 77;
amended

4. Section 77 of *The Labour Relations Act* is amended by adding thereto the following clause:

- (aa) providing for and fixing the amounts of remuneration including expenses that shall be paid to chairmen and other members of conciliation boards for their several duties as such.

Commencement

5. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

6. This Act may be cited as *The Labour Relations Amendment Act, 1956.*

CHAPTER 36

An Act to establish The Lakehead College of Arts, Science and Technology

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means The Board of Governors of The Lakehead College of Arts, Science and Technology;
- (b) "College" means The Lakehead College of Arts, Science and Technology;
- (c) "Minister" means Minister of Education;
- (d) "property" includes real and personal property;
- (e) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein.

2. The Lakehead College of Arts, Science and Technology ^{College established} is hereby established and the government, conduct, management and control of the Lakehead Technical Institute established by Order in Council on the 4th day of June, 1946, are hereby transferred to the Board.

3. The objects and purposes of the College are,

Objects

- (a) to provide courses of studies in arts and science; and
- (b) to provide courses of studies in any branch of technology as the Board, upon the recommendation of an advisory committee, may determine.

4. There shall be a board of governors which is hereby ^{Board established} constituted a body corporate under the name "The Board of

Governors

Governors of The Lakehead College of Arts, Science and Technology".

Composition of Board

5.—(1) The Board shall be composed of,

- (a) three members appointed by the Minister;
- (b) not more than twenty-four members, representing organizations and industries identified with the objects of the College, appointed by the Minister upon the recommendation of the Board;
- (c) one member appointed by the council of the City of Fort William;
- (d) one member appointed by the council of the City of Port Arthur.

Term of office

(2) Except as provided in section 6, each member shall hold office for three years, shall be eligible for reappointment and shall hold office until his successor is appointed.

First Board

6. The first Board shall be composed of,

- (a) three members appointed by the Minister;
- (b) the present twenty-four members of the Advisory Board of the Lakehead Technical Institute, eight of whom shall be designated by the Minister to hold office for one year, eight for two years and eight for three years;
- (c) one member appointed by the council of the City of Fort William; and
- (d) one member appointed by the council of the City of Port Arthur.

Membership vacated

7.—(1) If a member of the Board becomes mentally incapacitated or otherwise incapable of acting as a member or is absent from three consecutive meetings of the Board without having been granted leave of absence by the Board, he shall *ipso facto* vacate his office and the Board shall by resolution declare his membership vacant.

Filling vacancies

(2) Where a vacancy occurs before the term of office for which the member has been appointed has expired, the Minister, upon the recommendation of the Board, shall appoint a member to fill the vacancy for the remainder of the term of the member whose membership is vacant.

8.—(1) The Board shall elect one of its members to be chairman and one of its members to be vice-chairman, and in the case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, the vice-chairman shall act as and have all the powers of the chairman.

(2) In case of the absence or illness of the chairman and of the vice-chairman, the Board may appoint one of its members to act as chairman *pro tempore* and the member so appointed shall act as and have all the powers of the chairman.

9. The government, conduct, management and control of the College is hereby vested in the Board.

10. The principal of the College, subject to the by-laws of the Board, shall be responsible for the operation and management of the College.

11.—(1) The Board may appoint advisory committees composed of three or more members as determined by the Board with respect to any course or group of courses.

(2) Each advisory committee shall act as a liaison body between the Board and the industry concerned and shall,

- (a) advise on courses of study;
- (b) assist in the placement of students in industry;
- (c) assist in the recruiting of students for the various courses;
- (d) encourage the support of the College through the establishment of awards, bursaries, scholarships and donation of equipment and supplies; and
- (e) advise on any other matter which may be referred to the committee by the Board.

12. The Board has power,

Powers of
Board

- (a) to appoint a principal, secretary and treasurer, the teaching staff and all such officers, clerks and other employees as the Board may think necessary for the purposes of the College and to fix their salaries or remuneration and their tenure of office or employment and determine their functions, duties, powers and responsibilities;
- (b) to provide for the retirement and superannuation of persons mentioned in clause *a*;
- (c)

- (c) to provide for payments by way of gratuities, retiring allowances, superannuation allowances, pensions, annuities or life insurance or any combination thereof payable to, in respect of, or for the benefit of the persons mentioned in clause *a* for any class or classes thereof out of a fund or funds comprising contributions made by such persons or any class or classes thereof, or by the Board, or both, or otherwise;
- (d) to expend such sums as may be required for the purposes of funds which are established for the payment of gratuities, retirement allowances, pensions, life insurance or health insurance for the benefit of the persons mentioned in clause *a*;
- (e) to appoint by resolution a member or members of the Board or any other person or persons to execute on behalf of the Board either documents and other instruments in writing generally or specific documents and other instruments in writing and to affix the corporate seal of the Board thereto;
- (f) in addition to the powers, rights and privileges mentioned in section 27 of *The Interpretation Act*, to purchase, acquire, take and hold by deed, grant, gift, bequest or devise or otherwise property for the purposes of the College without licence in mortmain and to sell, grant, convey, mortgage, lease or otherwise dispose of such property or any part thereof;
- (g) to expend such sums as the Board may deem necessary for the support and maintenance of the College and for the betterment of existing buildings and the erection of such new buildings as the Board may deem necessary for the purposes of the College and for the furnishing and equipment of such existing or new buildings;
- (h) to borrow money for its purposes upon its credit and to mortgage, hypothecate or pledge as security for any loan any property vested in or held by it;
- (i) to invest funds of the Board not immediately required for its purposes, and the proceeds of all property vested in or held by the Board, subject to the limitations imposed by any trust, in such investments as the Board may see fit;

R.S.O. 1950,
c. 184

(j) to enter into any arrangement with any federal, provincial, municipal, local or other authority that may seem conducive to the objects of the College;

(k) to make by-laws,

(i) respecting the meetings of the Board including the determination of a quorum necessary for the transaction of business,

(ii) after consultation with the Minister, establishing courses of study and providing for examination and the awarding of certificates and diplomas,

(iii) fixing fees to be paid by students for instruction, examinations, certificates, diplomas and any ancillary activities,

(iv) establishing awards, bursaries and scholarships,

(v) respecting all matters deemed necessary or advisable for the government, management, conduct and control of the College.

13. *The Teachers' Superannuation Act* applies to the teachers on the instructional staff of the College in the same manner as if the College were specified by name in subclause v of clause d of section 1 of that Act.

14. The accounts of the Board shall be audited at least once a year by an auditor or auditors appointed by the Board.

15.—(1) The Board, after the close of each College year, shall file with the Minister an annual report in such form as the Minister may require and the Minister shall file it with the Provincial Secretary.

(2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council, and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session.

16. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

17. This Act may be cited as *The Lakehead College of Arts, Science and Technology Act, 1956.*

CHAPTER 37

An Act to amend The Land Surveyors Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 8 of *The Land Surveyors Act* is R.S.O. 1950,
amended by adding thereto the following clauses: c. 196, s. 8,
subs. 1,
amended

- (cc) the fixing of the dates and places of annual general meetings of the Association and meetings of the council;
- (ccc) the fixing, levying and collecting of a fee for registration or transfer of articles of apprenticeship or for a certificate to practise or for registration as a surveyor in active practice and for official notice of registration in *The Ontario Gazette*, and for the fixing, levying and collecting of an annual fee from each member.

2. Subsection 1 of section 9 of *The Land Surveyors Act* is R.S.O. 1950,
repealed. c. 196, s. 9,
subs. 1
repealed

3. Subsection 2 of section 20 of *The Land Surveyors Act* is R.S.O. 1950,
amended by striking out "not less than \$6 and not more than c. 196, s. 20,
\$8" in the third and fourth lines, so that the subsection shall subs. 2,
amended read as follows:

- (2) The council shall for each day's attendance pay out Payment of
of the funds of the Association to each member of
the board who attends any examinations such sum
as the council may by by-law determine, and his
travelling expenses.

4.—(1) Clause b of section 21 of *The Land Surveyors Act* R.S.O. 1950,
is amended by striking out "three years" in the first line and c. 196, s. 21,
inserting in lieu thereof "four years, at least two of which cl. b,
amended have been served in actual survey work in the field", so that
the clause shall read as follows:

(b)

apprentice-
ship

(b) has served faithfully and regularly for four years, at least two of which have been served in actual survey work in the field, under an instrument in writing duly executed before two witnesses, as a student to a surveyor in actual practice and has received from such surveyor a certificate of his having so served or proves to the satisfaction of the board that he has so served or has been wholly or partly exempted from such apprenticeship by the board in accordance with the provisions hereinafter in that behalf.

R.S.O. 1950,
c. 196, s. 21,
cl. e,
amended

(2) Clause *e* of the said section 21 is amended by striking out "section 29" in the second line and inserting in lieu thereof "subsection 5", so that the clause shall read as follows:

payments

(e) has paid all fees due from him to the Association in accordance with subsection 5.

R.S.O. 1950,
c. 196, s. 21,
amended

(3) The said section 21 is amended by adding thereto the following subsections:

Examina-
tions

(2) The intermediate and final examinations shall be held in March and September of each year upon such day or days, and at such place or places as the council may direct.

Qualifica-
tion for
intermediate
examination

(3) Any person who has the educational standing mentioned in section 22, whether or not apprenticed, may take the intermediate examination.

Final exam-
ination

(4) The final examination may consist of two groups of subjects, one group designated as Part I and the other group designated as Part II.

Fees

(5) The council shall from time to time prescribe the fees, payable by candidates for examination, which fees shall be payable in advance by the candidates.

R.S.O. 1950,
c. 196, s. 22,
re-enacted

5. Section 22 of *The Land Surveyors Act* is repealed and the following substituted therefor:

Who may be
apprenticed

22. A person may be apprenticed to a surveyor if he produces to the secretary-treasurer a certificate of educational standing as required for admission to the course in civil engineering in a university in Ontario or such other evidence of educational standing as in the opinion of the board is the equivalent thereof.

R.S.O. 1950,
c. 196, s. 23,
cl. a, re-
enacted

6. Clause *a* of section 23 of *The Land Surveyors Act* is repealed and the following substituted therefor:

(a)

- (a) any person who is a graduate in civil engineering, mining engineering or forestry of a university in Ontario or who is a graduate in any course of an educational institution that in the opinion of the board is the equivalent thereof shall serve two years apprenticeship, one of which must be served in actual survey work in the field, and if such person has been a student to a surveyor in actual practice at any time during which he was an undergraduate he shall be granted up to one year in reduction of the period of such apprenticeship;
- (aa) any person who is qualifying for a certificate under section 21 and who has served a surveyor before he was apprenticed under section 22 shall be granted up to one year in reduction of the period of apprenticeship; and

7. Section 26 of *The Land Surveyors Act* is amended by R.S.O. 1950,
c. 196, s. 26,
adding thereto the following subsection: *amended*

- (2) Upon cause shown to the council by an apprentice, *Idem* the council may transfer the apprentice from the surveyor he is serving to another registered surveyor in actual practice with whom he may serve the remainder of the term of his apprenticeship.

8. Subsection 1 of section 29 of *The Land Surveyors Act* is R.S.O. 1950,
c. 196, s. 29,
repealed. *subs. 1, re-pealed*

9. This Act comes into force on the 1st day of August, 1956. *Commencement*

10. This Act may be cited as *The Land Surveyors Amendment Act, 1956*. *Short title*

CHAPTER 38

An Act to amend The Land Titles Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 2 and 3 of section 4 of *The Land Titles Act* R.S.O. 1950, c. 197, s. 4, subss. 2, 3, re-enacted are repealed and the following substituted therefor:

- (2) The Lieutenant-Governor in Council may appoint Senior deputy master of titles a person, being a barrister or solicitor of not less than five years standing, to be the senior deputy of the master of titles, and the person so appointed shall act under the supervision of the master or shall act as master in the absence of the master, and when acting in the absence of the master shall have all the powers of the master.
- (3) The Lieutenant-Governor in Council may appoint a Deputy master of titles a person so appointed shall act under the supervision of the master or the senior deputy master or shall act as master in the absence of the master and the senior deputy master, and when acting in the absence of the master and the senior deputy master shall have all the powers of the master.
- (4) When the master dies or resigns, the senior deputy master shall act as master until a master is appointed. Death or resignation of master

2. *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1950, c. 197, amended

- 4a.—(1) The Lieutenant-Governor in Council may appoint a Director of titles a barrister or solicitor of not less than ten years standing to be the director of titles.
- (2) The Lieutenant-Governor in Council may appoint a Deputy director of titles a barrister or solicitor of not less than five years standing to be the deputy of the director of titles,

and

and the person so appointed shall act under the supervision of the director or shall act as director in the absence of the director, and when acting as director in the absence of the director shall have all the powers of the director.

Death or
resignation
of director
of titles

- (3) When the director of titles dies or resigns, the deputy director of titles shall act as director until a director is appointed.

R.S.O. 1950,
c. 197, s. 45,
re-enacted

- 3.** Section 45 of *The Land Titles Act* is repealed and the following substituted therefor:

Claim that
land is
free from
dower

45.—(1) Where a person claims that registered land is free from dower and no instrument can be produced and registered showing release of dower by the wife of the registered owner, the proper master of titles may, upon satisfactory evidence produced before him, give notice to the wife to support her claim to dower in the registered land within thirty days.

Wife barred
after failure
to claim
dower

- (2) If the wife of the registered owner fails to claim her dower within the thirty days, the proper master of titles may enter on the register a memorandum that the land is free from dower, and this entry shall be a bar to any claim for dower by the wife.

Dower claim
decided by
master

- (3) If the wife of the registered owner claims her right to dower within the thirty days, the proper master of titles may hear and determine her claim.

Interpre-
tation

- (4) In this section, "wife of the registered owner" includes the widow of a former owner.

R.S.O. 1950,
c. 197, s. 67,
re-enacted

- 4.** Section 67 of *The Land Titles Act* is repealed and the following substituted therefor:

Notice of
sale under
execution
of registered
land

67.—(1) Where registered freehold or leasehold land is sold under execution or other process, the proper master of titles, upon receiving the transfer from the sheriff or other officer with proof of due execution, shall cause a notice to be given to the person whose interest has been sold.

When
purchaser
registered
as owner

- (2) If no claim is made against the land within fourteen days from the giving of the notice, the proper master of titles shall register the purchaser as owner.

Master
determines
claims

- (3) If a claim is made against the land within the fourteen days from the giving of the notice, the proper master of titles shall hear and determine the claim.

5. Section 96 of *The Land Titles Act* is repealed and the following substituted therefor:

R.S.O. 1950,
c. 197, s. 96,
re-enacted

- 96.—(1) Upon receiving a certificate of the Minister of Lands and Forests or the Deputy Minister of Lands and Forests that a reservation of any class or kind of tree in letters patent to registered land is void by statute, the proper master of titles shall delete the reservation from the register without application therefor.
- (2) Upon receiving a certificate of the Minister of Mines or the Deputy Minister of Mines that a reservation of mines and minerals in letters patent to registered land issued before the 6th day of May, 1913, is void by statute, the proper master of titles shall delete the reservation from the register without application therefor.
- (3) Upon receiving a certificate of the Minister of Lands and Forests or the Deputy Minister of Lands and Forests that a condition, proviso or reservation in letters patent to registered land, other than a reservation of any class or kind of tree or of mines and minerals, is void by statute, the proper master of titles shall delete the condition, proviso or reservation from the register without application therefor.
- (4) When an owner or former owner has attempted to transfer, charge or otherwise convey any mines or minerals reserved in letters patent to registered land issued before the 6th day of May, 1913, upon receiving a certificate of the Minister of Mines or Deputy Minister of Mines that the reservation in the letters patent is void by statute, the proper master of titles shall make all proper entries to define the interests of those appearing to be entitled to the mines or minerals.
- (5) No claim shall be sustained against the Assurance Fund respecting any right arising from any conveyance of mines or minerals reserved in letters patent issued before the 6th day of May, 1913.

6.—(1) Subsection 1 of section 107a of *The Land Titles Act*, as enacted by section 2 of *The Land Titles Amendment Act, 1953*, is amended by striking out “Inspector” in the tenth line and inserting in lieu thereof “director of titles”, so that the subsection shall read as follows:

(1)

Power of
judge of
county court
to order
plans to
be filed

- (1) Where any land has been sold or conveyed in lots or parcels by metes and bounds, or in any other manner without a plan having been registered under this or any other Act showing such subdivisions, or where parts of lots shown by a registered plan have been sold or conveyed, and the lots or parcels so sold or conveyed are not distinguished by numbers or letters, a judge of the county or district court of the county or district in which the land is situate, on the application of the director of titles, after such notice as the judge may deem reasonable, may make an order directing the proper master of titles to have the same, or any part thereof, laid out into lots or parcels in such manner and numbered as the judge thinks fit, and a plan or plans thereof to be made in accordance with the records in the land titles office, or from actual survey, as may be found necessary, and registered in accordance with the provisions of this Act, and the order of the judge shall be endorsed on or attached to the plan and signed by him.

R.S.O. 1950,
c. 197,
s. 107a
(1953, c. 54,
s. 2), subs. 5,
amended

- (2) Subsection 5 of the said section 107a is amended by striking out "Inspector" in the second line and inserting in lieu thereof "director of titles", so that the subsection shall read as follows:

Contribution
by Crown to
cost of plan

- (5) Where land is proposed to be subdivided by plan under this section, the director of titles may cause the Attorney-General to be notified of the application, and the Attorney-General, on behalf of the Crown, may either submit that the Crown shall pay or contribute such part of the costs and expenses mentioned in subsection 2 as the judge may determine to be reasonable, or the Attorney-General may consent, on behalf of the Crown, that the Crown shall pay and contribute a definite part of such costs and expenses, and in either of such cases the judge may direct by what person or municipality the remainder of such costs and expenses shall be borne, and any such order may be entered and filed and may be enforced as against such person or municipality in the same manner as the order provided for in subsection 2.

R.S.O. 1950,
c. 197,
s. 107b
(1951, c. 43,
s. 1), subs. 1,
amended

- 7.—(1) Subsection 1 of section 107b of *The Land Titles Act*, as enacted by section 1 of *The Land Titles Amendment Act, 1951* and renumbered by section 2 of *The Land Titles Amendment Act, 1953*, is amended by striking out "Inspector" in the first line and inserting in lieu thereof "director of titles", so that the subsection shall read as follows:

(1) The director of titles may by direction designate any area as a subdivision plan area and thereafter no transfer of the land in the area shall be entered for registration.

(2) Subsection 2 of the said section 107b is amended by striking out "Inspector" in the fourth line and inserting in lieu thereof "director of titles", so that the subsection shall read as follows:

(2) The direction shall be entered against each parcel of land affected thereby and such direction may be deleted from the parcel register upon the application of the director of titles.

8. Subsections 11, 12, 13, 14, 15 and 16 of section 127 of *The Land Titles Act* are repealed.

9. Subsection 3 of section 133 of *The Land Titles Act* is amended by striking out "Inspector" in the third line and inserting in lieu thereof "director of titles", so that the subsection shall read as follows:

(3) The certificate of a local master under this section shall not be valid unless approved and countersigned by the director of titles.

10. Section 135 of *The Land Titles Act* is repealed.

11.—(1) Subsection 1 of section 142 of *The Land Titles Act* is amended by adding thereto the following clause:

(aa) the mode in which a companies register, a power of attorney register, the Department of Highways register or any other special register is to be made and kept.

(2) Clause *d* of subsection 1 of the said section 142 is amended by inserting after "titles" in the second line "the director of titles", so that the clause shall read as follows:

(d) the duties which are to be performed by the master of titles, the director of titles, the local masters and other officers employed, and what acts of the master may be done by other officers.

12. Section 144 of *The Land Titles Act* is amended by inserting after "titles" in the second line "the director of titles", so that the section shall read as follows:

Appeals

144. Except as provided by section 113 an appeal shall lie from any act, order or decision of the master of titles, the director of titles or a local master of titles under this Act to a judge of the High Court and from him to the Court of Appeal.

R.S.O. 1950,
c. 197, s. 148,
amended

13. Section 148 of *The Land Titles Act* is amended by inserting after "titles" where it occurs the first time in the first line "the director of titles", so that the section shall read as follows:

Security

148. Before the master of titles, the director of titles or a local master of titles enters upon the duties of his office he shall furnish security in accordance with *The Public Officers Act*.

R.S.O. 1950,
c. 311

14.—(1) Subsection 1 of section 157 of *The Land Titles Act* is amended by striking out "Inspector" where it occurs in the second, fourth and eighth lines respectively and inserting in lieu thereof "the director of titles", so that the subsection shall read as follows:

Request of
master or
director
of titles
for docu-
ments

(1) Where upon an application for first registration the master of titles or the director of titles requires to examine any instruments registered in a registry office situate outside of the City of Toronto, the master or the director of titles may request the registrar of the registry division in which the land lies to transmit any instrument appearing on the abstract or required in connection with the application which the master or the director of titles desires to examine.

R.S.O. 1950,
c. 197, s. 157,
subs. 3,
amended

(2) Subsection 3 of the said section 157 is amended by striking out "Inspector" in the first line and inserting in lieu thereof "the director of titles", so that the subsection shall read as follows:

Documents
to be
returned

(3) The master or the director of titles shall return the documents as soon as practicable by registered post or by express, sending therewith to the registrar a list of all the documents so returned and keeping a copy of the list.

R.S.O. 1950,
c. 197, s. 158,
amended

15. Section 158 of *The Land Titles Act* is amended by striking out "master" in the sixth line and inserting in lieu thereof "director", so that the section shall read as follows:

Submission
of case to
director of
titles at
Toronto
where local
master in
doubt

158. If, on the application for the registration of an instrument after a first registration or for the registration of a transmission, the local master of titles is unable

to

to come to a clear conclusion as to the action which he should take he shall delay making the required entry until he has stated the facts to the director of titles at Toronto for his opinion, and in submitting the case the local master shall state his own view and his reasons therefor.

- 16.** *The Land Titles Act* is amended by adding thereto <sup>R.S.O. 1950,
c. 197,
amended</sup> the following section:

DIRECTOR OF TITLES

158a.—(1) The director of titles shall supervise and determine all matters relating to the titles of land to which this Act applies. ^{Director of titles}

(2) In addition to the duties prescribed by subsection 1, ^{Idem} the director of titles shall perform such duties as are prescribed by the rules.

17. Section 159 of *The Land Titles Act* is repealed and the <sup>R.S.O. 1950,
c. 197, s. 159,
re-enacted</sup> following substituted therefor:

159. Subject to this Act and to the rules, the Inspector <sup>Duties of
Inspector</sup> has under this Act similar powers and duties as he has under section 119 of *The Registry Act*, other than <sup>R.S.O. 1950,
c. 336</sup> clause *h* thereof, and such other duties as he may be required to perform by the Lieutenant-Governor in Council.

18. This Act may be cited as *The Land Titles Amendment* ^{Short title} *Act, 1956.*

CHAPTER 39

**An Act to amend
The Legislative Assembly Act**

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of subsection 1 of section 60 of *The Legislative Assembly Act*, as amended by subsection 1 of section 1 of *The Legislative Assembly Amendment Act, 1952*, is further amended by striking out “\$2,600” in the amendment of 1952 and inserting in lieu thereof “\$3,600”, so that the clause shall read as follows:

(a) an indemnity at the rate of \$3,600 per annum; and

.

(2) Clause *b* of subsection 1 of the said section 60, as amended by subsection 2 of section 1 of *The Legislative Assembly Amendment Act, 1952*, is further amended by striking out “\$1,300” in the amendment of 1952 and inserting in lieu thereof “\$1,800”, so that the clause shall read as follows:

(b) an allowance for expenses at the rate of \$1,800 per annum.

(3) Subsection 4 of the said section 60, as re-enacted by section 8 of *The Legislative Assembly Amendment Act, 1954*, is amended by striking out “\$90” in the third line and inserting “\$125”, so that the subsection shall read as follows:

(4) Notwithstanding subsection 3, each member on his request shall be paid by way of advance any part of his allowance for expenses, not exceeding \$125 per month, that has accrued at the time the request is made.

2. *The Legislative Assembly Act* is amended by adding thereto the following section:

Allowance
for expenses
of repre-
sentation

- 60a. In addition to his indemnity and allowance for expenses as a member, there shall be paid to every minister of the Crown in charge of a department and to the minister of the Crown who is a member of The Hydro-Electric Power Commission of Ontario and to the Leader of the Opposition an allowance for the expenses of representation at the rate of \$2,000 per annum.

R.S.O. 1950,
c. 202, s. 63;
(1954, c. 44,
s. 10),
amended

- 3.** Section 63 of *The Legislative Assembly Act*, as re-enacted by section 10 of *The Legislative Assembly Amendment Act, 1954*, is amended by striking out "four" in the second line and inserting in lieu thereof "six", so that the section shall read as follows:

Members'
mileage
allowance

63. There shall be allowed to each member of the Assembly in respect of six trips per annum from his place of residence to the seat of government at Toronto 10 cents for every mile of the distance between the place of residence and Toronto, which distance shall be determined and certified by the Speaker.

Commence-
ment

- 4.** This Act shall be deemed to have come into force on the 9th day of June, 1955.

Short title

- 5.** This Act may be cited as *The Legislative Assembly Amendment Act, 1956*.

CHAPTER 40

An Act to amend The Limitations Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Sections 28, 29 and 30 of *The Limitations Act* are R.S.O. 1950,
repealed.
c. 207,
ss. 28-30,
repealed
- 2.** This Act may be cited as *The Limitations Amendment Act, 1956.* Short title

CHAPTER 41

An Act to amend The Limited Partnerships Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 7 and 8 of *The Limited Partnerships Act* are R.S.O. 1950,
repealed and the following substituted therefor: c. 208, ss. 7, 8,
re-enacted

7. The certificate so signed and certified shall be filed where filed with the registrar of the registry division in which the principal place of business named in the certificate is situate, and shall be recorded by him in the same manner as a declaration is recorded under section 11 of *The Partnerships Registration Act*. R.S.O. 1950
c. 271

7a. Where a certificate is filed under this Act, a declaration is not required to be filed under *The Partnerships Registration Act*. Declaration not required where certificate filed

8. The registrar shall be entitled to receive for filing fees and recording the certificate and for searches the same fees as those provided in section 11 of *The Partnerships Registration Act*.

2. Form 1 of *The Limited Partnerships Act* is amended by R.S.O. 1950,
striking out "CERTIFICATE" in the heading and inserting in Form 1, c. 208,
lieu thereof "CERTIFICATE OF LIMITED PARTNERSHIP". amended

3.—(1) Existing records and books kept by the clerk of a county or district court under *The Limited Partnerships Act* shall be transferred to the registrar of the registry division in the county or district. Transfer of existing records and books

(2) Where there is more than one registry division in a county or district, each registrar of each registry division in the county or district shall receive from the clerk of the county or district court copies of the existing records and books kept by the clerk. Idem

Commencement

4. This Act comes into force on the 1st day of July, 1956.

Short title

5. This Act may be cited as *The Limited Partnerships Amendment Act, 1956.*

CHAPTER 42

An Act to amend The Line Fences Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 12 of *The Line Fences Act* is R.S.O. 1950,
c. 209, s. 12,
 amended by striking out "\$2" in the first line and inserting in subs. 1,
 lieu thereof "\$5" and by striking out "\$5" in the second line amended
 and inserting in lieu thereof "\$10", so that the subsection shall read as follows:

(1) Each fence-viewer shall be entitled to \$5 or such fees to larger amount, not exceeding \$10, as the council may by by-law fix for every day's work under this Act, and an Ontario land surveyor and a witness shall be entitled to the same compensation as if subpoenaed in a division court.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Line Fences Amendment Act, 1956.*

CHAPTER 43

An Act to amend The Liquor Licence Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 68a of *The Liquor Licence Act*, as enacted by R.S.O. 1950, c. 211, s. 68a section 6 of *The Liquor Licence Amendment Act, 1951*, is (1951, c. 47, s. 6), amended by adding thereto the following subsection: *amended*

(1a) In any municipality having a population of 50,000 ^{Idem} or more according to the last revised assessment roll and in which no dining lounge or lounge licence has been issued for any establishment, the council may, and on petition as provided by section 69 shall, submit to the electors question 7 or 8, or both, of the questions in section 69.

2. This Act comes into force on the day it receives Royal ^{Commencement} Assent.

3. This Act may be cited as *The Liquor Licence Amendment Act, 1956*. ^{Short title}

CHAPTER 44

**An Act to repeal
The Magistrates' Jurisdiction Act**

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** *The Magistrates' Jurisdiction Act* is repealed. R.S.O. 1950,
c. 220,
repealed
- 2.** This Act may be cited as *The Magistrates' Jurisdiction Repeal Act, 1956*. Short title

CHAPTER 45

An Act to amend The Marriage Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Marriage Act* is amended by adding R.S.O. 1950,
thereto the following clauses: c. 222, s. 1,
amended

(aa) "Indian" means a person who is registered as an Indian or entitled to be registered as an Indian under the *Indian Act* (Canada); R.S.C. 1952,
c. 149

• • • •

(f) "reserve" means reserve as defined in the *Indian Act* (Canada).

2. Subsection 1 of section 35 of *The Marriage Act* is amended R.S.O. 1950,
by adding at the end thereof "and any affidavit under section c. 222, s. 35,
37a", so that the subsection shall read as follows: subs. 1,
amended

(1) Every issuer shall, immediately upon issuing a licence, forward to the Provincial Secretary such of the particulars contained in Form 4 as the Provincial Secretary may require and any affidavit under section 37a. Material to be forwarded to Provincial Secretary

3. *The Marriage Act* is amended by adding thereto the following section: R.S.O. 1950,
c. 222,
amended

37a. Where both parties to an intended marriage are Indians Indians ordinarily resident on a reserve in Ontario or on Crown lands in Ontario,

(a) before a licence is issued, one of the parties to the intended marriage shall make an affidavit (Form 8a) which shall be deposited with the issuer; and

(b) notwithstanding section 37, no fee shall be paid for such licence.

R.S.O. 1950,
c. 222,
amended

4. *The Marriage Act* is amended by adding thereto the following form:

FORM 8a

(Section 37a)

AFFIDAVIT BY INDIAN

Canada:
Province of Ontario,

To WIT:

IN THE MATTER OF an application for a licence under *The Marriage Act*, for the marriage of

.....of.....
(name in full) (address—giving street
and number)

and

.....of.....
(name in full) (address—giving street
and number)

I,,
(name in full)

of theof.....
(city, town, village or township)

in theof.....
(county or district)

in theof.....
(province)

.....
(occupation)

MAKE OATH AND SAY THAT:

1. I am one of the parties aforesaid.

2. According to the best of my knowledge, information and belief, both the parties aforesaid are Indians ordinarily resident on a reserve in Ontario (or on Crown lands in Ontario, as the case may be).

SWORN before me at the

.....of.....

in the.....

of.....in the

(Signature of Deponent)

Province of Ontario,

this.....day of.....,

19....

This affidavit may be taken in Ontario by the Marriage Licence Issuer or a Commissioner for taking Affidavits or a Notary Public.

ISSUER PLEASE NOTE—Forthwith after issuance of Marriage Licence forward this affidavit to the Deputy Provincial Secretary, Parliament Buildings, Toronto, with the following information:
(See Section 35 of *The Marriage Act*.)

.....19.....
(No. of marriage licence) (date of issue) (place of issue) (signature)

- 5.** This Act comes into force on the 1st day of July, 1956. ^{Commencement}
- 6.** This Act may be cited as *The Marriage Amendment Act*, Short title 1956.

CHAPTER 46

An Act to amend The Medical Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of subsection 2 of section 19*a* of *The Medical Act*, as re-enacted by section 1 of *The Medical Amendment Act, 1953*, is repealed and the following substituted therefor: R.S.O. 1950, c. 228, s. 19*a*; subs. 2, cl. *b* (1953, c. 62, s. 1), re-enacted

(*b*) is employed as an interne or is engaged in post graduate work in a public hospital approved under *The Public Hospitals Act*, a hospital within the meaning of *The Mental Hospitals Act*, the Toronto Psychiatric Hospital, an isolation hospital established under *The Public Health Act*, a sanatorium for consumptives within the meaning of *The Sanatoria for Consumptives Act*, or a hospital operated and maintained by Her Majesty in right of Canada; and R.S.O. 1950, c. 307, 229, 306, 346

2. Subsection 1 of section 43 of *The Medical Act* is amended by striking out "not being less than \$1 nor more than \$5" in the third line, so that the subsection shall read as follows: R.S.O. 1950, c. 228, s. 43; subs. 1, amended

(1) Every member of the College shall pay to the registrar or to any person deputed by the registrar to receive it, such annual fee as may from time to time be determined by by-laws of the Council passed in accordance with this section, to be applied towards the general expenses of the College, which fee shall be due on and from the 1st day of January in the year in which the same is imposed, and such fee shall be deemed to be a debt due by each member to the College, and shall be recoverable with costs of suit in the name of the College of Physicians and Surgeons of Ontario, in the division court of the division in which the member resides. Annual fee

3. This Act may be cited as *The Medical Amendment Act, 1956*. Short title

CHAPTER 47

An Act to amend The Mining Act

*Assented to March 28th, 1956.
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Mining Act* is amended by adding R.S.O. 1950,
thereto the following clause: c. 236, s. 1,
amended

(aa) “Commissioner” means the Mining Commissioner appointed under this Act.

(2) Clauses *f* and *l* of the said section 1 are repealed. R.S.O. 1950,
c. 236, s. 1,
cls. *f* and *l*,
repealed

2. *The Mining Act* is amended by adding thereto the following sections: R.S.O. 1950,
c. 236,
amended

39a. Prospecting or the staking out of mining claims or Provincial parks
the development of mineral interests or the working
of mines in provincial parks is prohibited except
as provided by the regulations made under *The Provincial Parks Act, 1954*. R.S.O. 1950, c. 75

56a. Where a mining claim is in a fire district and it is staked out during the time that the fire district is closed under *The Forest Fires Prevention Act*, such staking out is invalid and of no effect and the recorder shall not accept an application to record the staking out of the claim unless ordered so to do by the Commissioner upon proof that the person so staking out the claim entered the fire district before it was closed or pursuant to a special authorization of the Minister of Lands and Forests. Staking out claims in closed fire district R.S.O. 1950, c. 144

3. Section 61 of *The Mining Act* is amended by adding R.S.O. 1950,
thereto the following subsections: c. 236, s. 61,
amended

(2a) An application heretofore or hereafter received and filed under subsection 2 is invalid and of no effect Cancellation of “filed only” applications

sixty days after the coming into force of this subsection or after the receiving and filing, whichever is later, unless in the meantime an action is commenced before the recorder or the Commissioner or unless in the meantime the recorder or the Commissioner orders a continuation of the application.

Notice to applicant

- (2b) As soon as an application is invalid and of no effect under subsection 2a, the recorder shall mark the application cancelled and by registered letter shall notify the applicant at his last known address in the recorder's office of his action and the reason therefor.
-

Staking out pending cancellation

- (5) Where the metal tags have not been affixed as required by subsection 3, any licensee may stake the claim but the recorder shall not record his application therefor until cancellation has been effected under subsection 4.

R.S.O. 1950,
c. 236, s. 89
(1953, c. 64,
s. 7), subs. 2, *Act*, as re-enacted by section 7 of *The Mining Amendment Act*,
item 3, repealed

4.—(1) Item 3 of subsection 2 of section 89 of *The Mining Act*, as re-enacted by section 7 of *The Mining Amendment Act*, 1953, is repealed.

R.S.O. 1950,
c. 236, s. 89
(1953, c. 64,
s. 7), subs. 3,
re-enacted

Idem

- (2) Subsection 3 of the said section 89 is repealed and the following substituted therefor:

- (3) Within thirty days before forfeiture or loss of rights would occur, the Commissioner may make an order extending the time for paying and applying for patent or lease, but in no case shall the time for so doing be extended beyond five years of the time prescribed in subsection 2 of section 97.

R.S.O. 1950,
c. 236, s. 93,
subs. 3,
amended

5. Subsection 3 of section 93 of *The Mining Act* is amended by striking out "Judge" in the third line and inserting in lieu thereof "Commissioner" and by striking out "129" in the fifth line and inserting in lieu thereof "127", so that the subsection shall read as follows:

Appeal from cancellation or allowance

- (3) An appeal from the cancellation of the claim or from the entry by the recorder in his record book of the allowance of the discovery may be taken to the Commissioner by the holder of the claim or by the disputant or other interested party, within the time and in the manner provided by section 127.

R.S.O. 1950,
c. 236, s. 95,
subs. 1,
amended

6. Subsection 1 of section 95 of *The Mining Act* is amended by striking out "Judge" in the thirteenth line and inserting in lieu thereof "Commissioner" and by striking out "128" in the seventeenth line and inserting in lieu thereof "126", so that the subsection shall read as follows:

- (1) Where the surface rights of land have been granted, sold, leased or located with reservation of mines, minerals or mining rights to the Crown, or where land is occupied by a person who has made improvements thereon which in the opinion of the Minister entitle him to compensation, a licensee who prospects for mineral, or stakes out a mining claim or an area of land for a boring permit, or carries on mining operations upon such land shall compensate the owner, lessee, locatee or occupant, for all injury or damage which is or may be caused to the surface rights by such prospecting, staking out or operations, and in default of agreement the amount and the manner, and time of payment of compensation shall be determined by the Commissioner upon application to him after notice to the persons interested, and, subject where the amount awarded exceeds \$1,000 to appeal to the Court of Appeal, his order shall be final and may be enforced as provided in section 126.

7. Part VII of *The Mining Act*, as amended by section 5 of R.S.O. 1950, c. 236, *The Mining Amendment Act, 1952* and section 8 of *The Mining Amendment Act, 1954*; is repealed and the following substituted therefor:

Part VII
(ss. 114-148),
re-enacted;
(ss. 149-151),
repealed

PART VII

MINING COMMISSIONER

114.—(1) The Lieutenant-Governor in Council may appoint an officer to be known as the Mining Commissioner.

(2) The Commissioner shall have a seal of office with which all process shall be sealed or stamped.

115. Except as provided by section 191, no action lies and no other proceeding shall be taken in any court as to any matter or thing concerning any right, privilege or interest conferred by or under the authority of this Act, but, except as in this Act otherwise provided, every claim, question and dispute in respect of such matter or thing shall be determined by the Commissioner, and in the exercise of the power conferred by this section the Commissioner may make such order or give such directions as he deems necessary to make effectual and enforce compliance with his decision.

116. Every notice and every document in any matter, application or appeal coming before the Commissioner shall be styled "In the matter of *The Mining Act* before the Mining Commissioner".

117. The Commissioner has in respect of matters that may be dealt with by him all the powers of summoning and enforc-

ing

Style of
proceedings

Attendance
of witnesses

R.S.O. 1950,
c. 308,

Crown
patents

Transfer of
proceeding
to Supreme
Court

Reference
from court
to Commis-
sioner

Transfer
from court
to Commis-
sioner

Rules

Idem

Recorder
may deter-
mine dis-
putes

ing the attendance of witnesses and compelling them to give evidence and produce documents and things that may be conferred upon a commissioner appointed under *The Public Inquiries Act*.

118. The Commissioner has no power or authority to declare forfeited and void or to cancel or annul any Crown patent issued for lands, mining lands, mining claims or mining rights, but every action and every proceeding to declare forfeited or void or to cancel or annul any such Crown patent may be brought or taken in the Supreme Court.

119. A party to any proceeding under this Act brought before the Commissioner and involving any right, privilege or interest or in connection with any patented lands, mining lands, mining claims or mining rights, may, at any stage of the proceeding, apply to the Supreme Court for an order transferring the proceeding to the Supreme Court.

120. Where in the opinion of the court in which an action is brought the proceeding may be more conveniently dealt with or disposed of by the Commissioner, the court may, upon the application of a party or otherwise and at any stage of the proceeding, refer the action or any question therein to the Commissioner as an official referee on such terms as to the court seems just and the Commissioner shall thereafter give directions for the continuance of the proceeding before him, and, subject to the order of reference, all costs are in his discretion.

121. Where a proceeding that should have been taken before the Commissioner is brought in a court, the court may, upon the application of a party or otherwise and at any stage of the proceeding, transfer it to the Commissioner.

122.—(1) The Lieutenant-Governor in Council may make rules,

- (a) prescribing the practice and procedure before the Commissioner;
- (b) respecting the sittings of the Commissioner and the places at which the sittings shall be held;
- (c) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Part.

(2) The rules in force in the Mining Court of Ontario when this Part comes into force continue in force and apply *mutatis mutandis* to proceedings before the Commissioner until revoked or amended.

123.—(1) Subject to the right of appeal provided in section 127, a recorder has power to hear and determine disputes between licensees as to unpatented mining claims situate in his mining division.

(2)

(2) Any question arising before the issue of a certificate of record of a mining claim as to whether the provisions of this Act regarding a mining claim have been complied with, unless the Commissioner otherwise orders or unless the recorder with the consent of the Commissioner transfers such question to the Commissioner for his decision, shall in the first instance be decided by the recorder.

(3) The recorder shall enter forthwith in the books of his office a full note of every decision made by him, and shall notify the persons affected thereby of such decision by registered letter mailed not later than the next day after the entry of such note.

(4) Every person affected by the decision is entitled upon payment of the prescribed fee to receive from the recorder a certificate thereof which shall contain the date of the entry of the decision in the books of the recorder.

(5) The decision of the recorder is final and binding unless appealed from as provided in section 127.

124.—(1) The recorder may give directions for the conduct and carrying on of proceedings before him, and in so doing he shall adopt the cheapest and simplest methods of determining the questions raised before him.

(2) Where no such directions are given, the provisions relating to procedure before the Commissioner apply wherever applicable.

125. The recorder shall not award costs, but may in his discretion allow fees and conduct money to witnesses and may direct by whom they shall be paid.

126. A duplicate of any order made by the Commissioner or by a recorder may be filed in the office of the Registrar of the Supreme Court or in the office of any local registrar of the Supreme Court or in the office of the clerk of the county or district court of the county or district in which the land lies, and upon being so filed it becomes an order of the court in which it is filed and is enforceable as an order of such court, but the court or a judge thereof may stay proceedings thereon if an appeal from the order is brought.

127.—(1) A person affected by a decision of, or by any act or thing, whether ministerial or judicial, done, or refused or neglected to be done by a recorder may appeal to the Commissioner who shall decide the matter and make such order in the premises as he deems just.

Powers on appeal

(2) Upon an appeal from a decision of a recorder, the Commissioner may require or admit new or additional evidence or may re-try the matter.

Method of appealing

(3) The appeal shall be by notice in writing in the prescribed form, filed in the office of the recorder and served upon all parties adversely interested within fifteen days from the entry of the decision on the books of the recorder or within such further period not exceeding fifteen days as the Commissioner may allow, but if the notice of appeal has been filed with the recorder within such time and the Commissioner is satisfied that it is a proper case for appeal and that after reasonable effort any of the parties entitled to notice could not be served within such time, the Commissioner may extend the time for appealing and make such order for substitutional or other service as may be deemed just, or if a person affected has not been notified as provided in sections 93 and 123, and appears to have suffered substantial injustice and has not been guilty of undue delay, the Commissioner may allow such person to appeal.

Service of notice of appeal

(4) The notice of appeal shall contain or have endorsed upon it an address in Ontario at which the appellant may be served with any notice or document relating to the appeal, and any such notice or document is sufficiently served upon the appellant if it is left with a grown-up person at such address or, where no such person can there be found, if sent by registered letter addressed to the appellant at such address.

Idem

(5) If no address for service is given as provided in subsection 4, any such notice or document may be served upon the appellant by posting up the same in the recorder's office.

Appointment for hearing of appeal

128. An appointment shall be obtained from the Commissioner for the hearing of an appeal, a dispute mentioned in section 62, or any claim, question, dispute or other matter within his jurisdiction.

Reasonable grounds to be shown

129.—(1) In any matter or proceeding, other than an appeal, the Commissioner may, if a certificate of record has been issued, require the applicant to satisfy him that there is reasonable ground for the application or may in any such case, or in any case where leave to take the proceeding is necessary, give the appointment or leave only upon such terms as to security for costs or otherwise as he deems just.

Application for appointment

(2) The appointment may be obtained upon a verbal or written application.

Copy of appointment to be served

(3) A copy of the appointment shall be served upon all parties concerned and, except in the case of an appeal or a

dispute

dispute under section 62, a notice in the prescribed form stating shortly the nature and particulars of the right, question or dispute shall be served also.

130.—(1) The Commissioner may give directions for having Directions any matter or proceeding heard and decided without unnecessary formality, may order the filing or serving of statements, particulars, objections or answers, the production of documents and things, and the making of amendments, may give such other directions respecting the procedure and hearing as he deems proper, may make any appointment, notice or other proceeding returnable forthwith or at such time as he deems proper, and may order or allow such substituted or other service as he deems proper.

(2) In appointing the place of hearing, the Commissioner ^{Place of hearing} shall select the place that he deems most convenient for the parties within the county or district or one of the counties or districts in which the lands or mining rights affected are situate, unless it appears to him desirable that the hearing should be in some other county or district.

(3) The hearing shall be proceeded with as promptly as ^{Prompt} _{hearing} possible having regard to the interests of the parties.

(4) The Commissioner may take or order the evidence of ^{Taking} _{evidence} any witness to be taken at any place within or without Ontario.

(5) The Commissioner may hear and dispose of any application not involving the final determination of the matter or matters proceeding at any place he deems convenient, and his decision upon any such application is final and is not subject to appeal. ^{Interlocutory}

131. The Commissioner may obtain the assistance of engineers, surveyors or other scientific persons who may under his order view and examine the property in question, and in giving his decision he may give such weight to their opinion or report as he deems proper. ^{Expert assistance}

132.—(1) The Commissioner, in addition to hearing the evidence adduced by the parties, may require and receive such other evidence as he deems proper, and may view and examine the property in question and give his decision upon such evidence or view and examination, or may appoint a person to make an inspection of the property, and may receive as evidence and act upon the report of the person so appointed. ^{Commissioner may call for evidence and view property}

(2) Where the Commissioner proceeds partly on a view or statement of view or on any special knowledge or skill possessed by himself, he ^{of view or special knowledge} shall

shall put in writing a statement of the same sufficiently full to enable a judgment to be formed of the weight that should be given thereto.

View only

(3) Where the parties consent in writing, the Commissioner may proceed wholly upon a view, and in such case his decision is final and is not subject to appeal.

**Decision on
the merits**

133. The Commissioner shall give his decision upon the real merits and substantial justice of the case.

**Security
for costs**

134. Where the Commissioner deems the matter or proceeding vexatious or where it is brought by a person residing out of Ontario, he may order that such security for costs as he deems proper be given and that in default of such security being given within the time limited or in default of speedy prosecution the matter or proceeding be dismissed.

**Use of court
rooms, etc.**

135. Where the hearing is to be held at a place where a court house is situate, the Commissioner has the right to use the court room, and where the hearing is to take place in a municipality in which there is a hall belonging to the municipality, but no court room, he has the right to use the hall.

**Sheriffs, etc.,
to assist**

136. Sheriffs, deputy sheriffs, constables and other peace officers shall aid, assist and obey the Commissioner in the exercise of the powers conferred on him by this Act whenever required so to do and shall upon the certificate of the Commissioner be paid by the treasurer of the county or district the same fees as for similar services in carrying out the orders of a judge of the Supreme Court.

**Transcripts
of evidence**

137. The evidence taken before the Commissioner need not be filed or written out at length unless required by the Commissioner or by a party to the proceeding, and if so required, copies shall be furnished upon the same terms as in cases in the Supreme Court.

Costs

138. The Commissioner may in his discretion award costs to any party, and may direct that such costs be taxed by the clerk of the county or district court or by a local taxing officer or by one of the taxing officers at Toronto, or may order that a lump sum be paid in lieu of taxed costs.

**Scale of
costs**

139.—(1) The costs and disbursements payable upon proceedings before the Commissioner, as to any matter in which the amount or value of the property in question does not in the opinion of the Commissioner exceed \$400, shall be according to the tariff of the county court, and as to any matter in which the amount or value of the property in question in his opinion exceeds \$400, shall be according to the tariff of the Supreme Court.

(2) The Commissioner shall in his order or award direct ^{Idem} the tariff upon which the costs and disbursements shall be taxed.

(3) The Commissioner has the same powers as a judge of a ^{Counsel fees} county court or a taxing officer of the Supreme Court with respect to counsel fees.

140. The fee and conduct money to be paid to a witness ^{Witness fees} before the Commissioner or recorder shall be according to the county court scale.

141.—(1) Except where inapplicable, the decision of the ^{Form of} Commissioner shall be in the form of an order or judgment, but need not show upon its face that any proceeding or notice was had or given or that any circumstance existed necessary to give jurisdiction to make such order or judgment.

(2) The order or judgment of the Commissioner, with the ^{Documents to be filed} evidence, exhibits, the statement, if any, of view or of special knowledge or skill and the reasons for his decision, if any are given, shall be filed in the Department or in the office of the recorder as may be directed by the Commissioner, and the officer or person in charge of such office shall forthwith give notice in writing of the filing by registered letter or otherwise to the solicitors of the parties appearing by solicitor and to parties not represented by a solicitor.

(3) Where the order or judgment is not filed with the ^{Idem} recorder of the division in which the property affected is situate, the Commissioner shall transmit a duplicate thereof to such recorder.

142.—(1) The Commissioner shall make in the books of ^{Entry of} his office a full note of every decision given by him.

(2) Where a decision of the Commissioner finally disposes ^{Notice of final} of the matter in question so far as he is concerned, he shall give ^{decision} notice of the purport of his decision to the parties by registered letter addressed to them at their addresses as entered in his books.

143. Any party to a proceeding is entitled on payment of ^{Certified copies} the prescribed fee to a certified copy of any order or judgment, and the copy shall show the date of the entry of the order or judgment in the books of the Commissioner.

144. Where not otherwise provided, an appeal lies to the ^{Appeal to} ^{Court of} Court of Appeal from any decision of the Commissioner, ^{Appeal} including an order dismissing a matter or proceeding under section 134.

Time for appeal
R.S.O. 1950,
c. 20

145.—(1) Except in the case provided for by section 120 and in the case of a reference under *The Arbitration Act*, the order or judgment of the Commissioner is final and conclusive unless where an appeal lies it is appealed from within fifteen days after the filing thereof or within such further period not exceeding fifteen days as the Commissioner or a judge of the Supreme Court may allow.

Notice of appeal

(2) The appeal shall be begun by filing a notice of appeal with the recorder of the division in which the property in question or a part of it is situate and paying to him the prescribed fee, and unless such filing and payment are so made, and unless the appeal is set down and a certificate of such setting down lodged with the recorder within five days after the expiration of such fifteen days or the further time allowed under subsection 1, the appeal shall be deemed to be abandoned.

Transmission of documents

(3) The recorder, and in cases where section 22 applies, the Deputy Minister, shall forthwith after the filing of the notice of appeal and the payment of the prescribed fee transmit by registered letter or by express to the office of the Registrar of the Supreme Court, Toronto, the order or judgment and all the exhibits, papers and documents filed therewith.

Extension order

(4) Where the time for appealing is extended, the appellant shall forthwith transmit the order for the extension, or a duplicate thereof, by registered letter to the recorder.

Procedure on appeals
R.S.O. 1950,
c. 190

(5) The practice and procedure, including the disposition of costs, on an appeal shall be the same as in ordinary cases under *The Judicature Act*.

No certiorari, etc.

146. Except as provided in this Part, proceedings under this Act are not removable into any court by certiorari or otherwise, and no injunction, mandamus or prohibition shall be granted or issued out of any court in respect of anything required or permitted to be done by any officer appointed under this Act.

Defects in form

147. No proceeding before the Commissioner or a recorder shall be invalidated by reason of any defect in form or substance or failure to comply with this Act, if no substantial wrong or injustice has been thereby done or occasioned.

Power to extend time

148. Where power is conferred by this Act to extend the time for doing an act or taking a proceeding, unless otherwise expressly provided, the power may be exercised as well after as before the expiration of the time allowed or prescribed for doing the act or taking the proceeding.

8. Rule 103 of section 162 of *The Mining Act* is amended R.S.O. 1950, c. 236, s. 162 by adding at the end thereof "and it shall conform to the size rule 103, of the conveyance allowing for necessary clearances", so that the rule shall read as follows:

- (103) Except during sinking operations, if material be handled in any shaft or winze compartment there shall be maintained around that compartment, except on the side on which the material is to be loaded or unloaded, a substantial partition at the collar and at all levels. Such partition shall extend above the collar and all levels a distance not less than the height of the hoisting conveyance plus six feet and it shall extend below the collar and all levels at least six feet and it shall conform to the size of the conveyance allowing for necessary clearances.

9. Section 164 of *The Mining Act* is repealed and the R.S.O. 1950, c. 236, s. 164, re-enacted following substituted therefor:

164.—(1) Subject to rule 33 of section 162, and except by agreement under subsection 3, no mining operations shall be carried on within a distance from the property boundary of a mine or mining property of twice the width or thickness of the orebody at the boundary, measured parallel to the boundary from foot wall to hanging wall and normal to the dip, and in no event shall mining operations be carried on within a distance of twenty feet from the boundary measured perpendicular to the boundary except,

- (a) for the purposes of preliminary investigation, development headings may be advanced to twenty feet from the boundary;
- (b) exploratory diamond drilling.
- (2) Subsection 1 does not apply to operations at sand, Non-application gravel or clay pits or opencast rock quarries.
- (3) Adjoining owners may, by agreement in writing Agreement by adjoining owners signed by the owners, carry on mining operations within the distances from the property boundary mentioned in subsection 1.
- (4) A certified copy of every such agreement shall be sent to the Minister and shall take effect upon written acknowledgment of receipt of the agreement by the Minister.

Disagreement on boundary operations

164a.—(1) Where adjoining owners are unable to agree to carry on mining operations within the distances from the property boundary mentioned in subsection 1, application may be made to the Minister by either owner requesting the appointment of a committee to investigate in what manner and within what distances from the boundary mining operations may be carried on.

Appointment of committee

(2) Upon receipt of an application under subsection 1, the Minister may appoint a committee of three disinterested persons, one of whom shall be designated chairman, who are competent to investigate mining conditions at the boundary.

Duty of committee

(3) The committee so appointed shall hear representations from the adjoining owners and conduct such investigation of mining conditions on the adjoining mining properties as may be necessary at a time or times named by the Minister.

Report of committee

(4) Upon completion of their investigation, the committee shall forthwith submit a report in writing to the Minister with recommendations concerning terms and conditions of mining operations at the boundary.

Order of Minister

(5) Upon receipt of the report of the committee, the Minister shall issue an order establishing the terms and conditions to be observed in mining operations at the boundary and shall fix the costs of the committee to the adjoining owners.

Suspected breach or trespass of party wall

164b.—(1) Where the owner of a mine or mining property has reason to believe that a breach has been made in or a trespass has been committed with respect to the party wall between his mine or mining property and an adjoining mine or mining property, application may be made to the Minister by the owner for the appointment of a committee to examine the party wall and enter the adjoining mines or mining properties with an assistant or assistants and use where necessary the workings and appliances thereof.

Appointment of committee

(2) Upon receipt of an application under subsection 1, the Minister may appoint a committee of three disinterested persons, one of whom shall be designated chairman, who are competent to conduct such examination of the party wall as may be necessary.

- (3) The committee so appointed shall conduct such examination of the party wall as may be necessary at a time or times named by the Minister.
- (4) Upon completion of the examination, the committee shall forthwith submit a report of their findings in writing to the Minister.
- (5) Upon receipt of the report of the committee, the Minister shall fix the costs of the committee to one or both owners.
- (6) Where a breach has been made in a party wall of a mine by the owner of an adjoining mine, or by his employees or agents, without the permission in writing of the owner of the first-mentioned mine or without authority under this Act, the Minister may make an order directing the offending owner to close the breach permanently or to carry out such measures as the Minister deems necessary to prevent water flowing into the mine of the owner complaining of the breach.
- (7) Where work has been discontinued in the mine of the offending owner or where expedient for any other reason, the Minister may authorize the owner complaining of the breach, his employees or agents, to enter the mine and works of the offending owner to erect bulkheads and carry out such measures as the Minister deems necessary to protect the mine of the owner complaining of the breach from damage and his employees and agents from danger from accumulations of water in the mine of the offending owner.
- 164c. For good cause shown and upon such terms as may seem just, the Minister may vary or rescind an order made under section 164a or 164b.

10. Clause *b* of subsection 6 of section 195 of *The Mining Act*, as re-enacted by section 10 of *The Mining Amendment Act, 1954*, is amended by striking out “of the registrar and seal of the Court” in the second and third lines and inserting in lieu thereof “and seal of the Commissioner”, so that the clause shall read as follows:

- (*b*) Copies of orders and judgments made under this section certified to be true copies under the hand and seal of the Commissioner shall be immediately filed by the applicant with the Minister and in the office of the recorder of the division in which the lands

affected are situate, and if any patented lands are thereby affected, a copy of such order or judgment so certified shall be filed in the office of land titles or registry office for the district in which the same are situate.

R.S.O. 1950,
c. 236, s. 217
(1955, c. 45,
s. 24), re-
enacted

11. Section 217 of *The Mining Act*, as enacted by section 24 of *The Mining Amendment Act, 1955*, is repealed and the following substituted therefor:

Commissioner may settle disputes

217. Where any question or dispute arises as to the name of a person having been wrongfully inserted in or omitted from a tax roll or as having been undercharged or overcharged under this Part, the Minister may in writing refer the question or dispute to the Commissioner for hearing and adjudication.

References to Judge of Mining Court

12. Wherever in *The Mining Act*, or in any other Act, reference is made to the Judge, referring to the Judge of the Mining Court of Ontario, or reference is made to the Court, referring to the Mining Court of Ontario, it shall be taken to refer to the Mining Commissioner.

Pending proceedings

13. Any proceeding pending in the Mining Court of Ontario when sections 1, 5, 6, 7, 10, 11 and 12 come into force shall, if within his jurisdiction, be continued before the Mining Commissioner.

Commencement

14. Sections 1, 5, 6, 7, 10, 11, 12 and 13 come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

15. This Act may be cited as *The Mining Amendment Act, 1956*.

CHAPTER 48

**An Act to amend
The Mothers' Allowances Act, 1952**

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of subsection 1 of section 2 of *The Mothers' Allowances Act, 1952*, as re-enacted by section 1 of *The Mothers' Allowances Amendment Act, 1955*, is amended by striking out “one year” in the third line and inserting in lieu thereof “six months”, so that the clause shall read as follows:

(*b*) whose husband has deserted her or the child or children and he has not been heard of for at least six months; or

.

(2) Subsection 1 of the said section 2 is amended by adding thereto the following clause:

*s. 2 (1955),
c. 47, s. 1,
subs. 1, amended*

(*cc*) whose child or children were born out of wedlock and who has cared for and maintained each child, on behalf of whom application for an allowance is made, for a period of two years following the birth of the child; or

.

(3) The said section 2 is amended by adding thereto the following subsection:

*s. 2 (1955),
c. 47, s. 1,
amended*

(*5a*) Where a father who is permanently unemployable satisfies the residence requirements for a mother under subsection 1 and the mother is dead or is absent from the home for a period of at least six months, an allowance as provided in subsection 1 may be paid to the father towards the support of his child or children under eighteen years of age

residing

residing with him in circumstances under which the child or children would not be cared for properly without the assistance of an allowance.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Mothers' Allowances Amendment Act, 1956*.

CHAPTER 49

An Act to impose a Tax on the Purchasers of Fuel, Other than Gasoline, for Use in Motor Vehicles

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Comptroller" means Comptroller of Revenue;
- (b) "fuel" means any gas or liquid that may be used for the purpose of generating power for the propulsion of a motor vehicle, except such products as are excluded from this Act by the regulations;
- (c) "fuel tank" means that part of a motor vehicle in which fuel to propel it is kept;
- (d) "motor vehicle" means a machine operated, propelled or driven otherwise than by muscular power on a highway or in connection with the construction or maintenance of a highway;
- (e) "purchaser" means a person who, not being a registrant, receives fuel from a registrant, or means a registrant who receives fuel from a registrant in other than a storage tank, but "purchaser" does not include a person who receives fuel in a tank that is directly connected with a machine that is not a motor vehicle;
- (f) "registrant" means the holder of a registration certificate under this Act;
- (g) "regulations" means regulations made under this Act;
- (h) "storage tank" means a receptacle that has a capacity of fifty or more imperial gallons, but does not include a fuel tank;

(i)

(i) "Treasurer" means Treasurer of Ontario.

Registration certificates

2.—(1) No person shall supply fuel, and no person shall receive fuel as a registrant, unless a registration certificate has been, upon his application, issued to him under this Act and unless such certificate is in force at the time of the supplying or receiving, as the case may be.

Application

(2) The application for a registration certificate shall be filed with the Comptroller and shall contain such information as he requires.

Issue

(3) Subject to clause *a* of subsection 5, the registration certificate shall be issued by the Comptroller upon payment of \$1 by the applicant to the Treasurer.

Expiry

(4) Subject to clause *b* of subsection 5, every registration certificate remains in force until the 31st day of March next following the date of its issue and is not transferable.

Refusal to issue and cancellation

(5) The Comptroller may,

- (*a*) refuse to issue a registration certificate to any applicant; or
- (*b*) suspend or cancel any registration certificate if the person to whom it was issued or any of his employees contravenes any of the provisions of this Act,

but before a refusal, suspension or cancellation is made, the applicant or such person, as the case may be, shall be afforded an opportunity to appear before the Comptroller to show cause why the issuance of a registration certificate should not be refused or why the registration certificate should not be suspended or cancelled, as the case may be.

Penalty

(6) Every person who violates subsection 1 shall pay to the Treasurer a penalty of \$100.

Tax

3.—(1) Every purchaser shall pay to the Treasurer a tax at the rate of 11 cents per imperial gallon on all fuel received by him.

Idem

(2) Every registrant shall pay to the Treasurer a tax at the rate of 11 cents per imperial gallon on all fuel used by him to generate power for the propulsion of a motor vehicle.

Time of payment

(3) The tax imposed by subsection 1 shall be paid at the time the fuel is supplied to the purchaser, and the tax imposed by subsection 2 shall be paid in accordance with section 8.

(4) Every person who fails to pay the tax in accordance with this Act shall pay to the Treasurer a penalty equal to the amount of the tax and \$50.

4. Every registrant shall inform every purchaser of the price of the fuel and shall, upon request therefor, deliver to him an invoice showing,

- (a) the number of his registration certificate;
- (b) the cost of the fuel to the purchaser; and
- (c) the amount of the tax paid by the purchaser.

5. The Treasurer may require any registrant to furnish a surety bond on such terms and conditions and in such amount as the Treasurer deems appropriate.

6.—(1) Subject to subsection 2, every registrant shall, as agent of the Treasurer, collect from the purchaser the tax imposed by this Act.

(2) No registrant shall collect the tax imposed by this Act on fuel supplied by him to a registrant who is not a purchaser.

(3) For the purpose of collecting the tax, the Treasurer may enter into such arrangement with a registrant as he deems expedient and he may provide for the payment of such remuneration to the registrant as he deems appropriate.

(4) Every registrant shall be deemed to hold the moneys collected by him under this Act in trust for the Crown in moneys right of Ontario.

(5) The moneys collected by a registrant under this Act shall be kept separate and apart from his own moneys and every registrant who fails so to do shall pay to the Treasurer a penalty of an amount equal to double the amount of the moneys collected and not kept separate and apart from his own moneys.

(6) Every registrant who refuses or neglects to collect the tax in accordance with this Act shall pay to the Treasurer a penalty equal to the amount of the tax that he refused or neglected to collect and \$500.

(7) Every employee of a registrant who permits or authorizes or is a party or privy to supplying fuel to a purchaser without collecting from the purchaser the tax imposed by this Act shall pay to the Treasurer a penalty equal to the amount of the tax and \$50.

Returns

7.—(1) Every registrant shall,

- (a) on or before the 15th day of each month, without notice or demand; or
- (b) on or before the day designated in the demand of the Comptroller served on the registrant by hand or by registered letter,

deliver to the Comptroller such return as he requires for the purpose of carrying out this Act.

Verification
of
returns

(2) Every return shall be verified by the certificate of the registrant and, if the registrant is not an individual, of its president or its resident manager or representative in Ontario, certifying that the financial and other statements of information included therein or attached thereto are in agreement with the books of the registrant and exhibit truly, correctly and completely all information for the period covered by the return.

Penalty for
default in
delivering
return

(3) Every registrant who fails to comply with subsection 1 shall pay to the Treasurer a penalty,

- (a) equal to 5 per cent of the tax collectable and of the tax payable by him; or
- (b) 1 cent for each gallon of fuel supplied by him and 1 cent for each gallon of fuel received by him during the period for which the return is required,

whichever is the greater, but in no case shall such penalty be more than \$500.

Penalty for
failure to
complete
return

(4) Where a registrant fails to complete the information required in the return to be delivered to the Comptroller under subsection 1, such registrant shall pay to the Treasurer a penalty of \$20.

Transmission
of tax

8.—(1) Every registrant shall transmit with the return required by section 7 the amount of the tax payable by him or payable and collectable by him, as the case may be, as shown therein.

Deficiency

(2) Where a registrant transmits less than the amount of the tax payable by him or payable and collectable by him, as the case may be, as shown by the return, he shall pay to the Treasurer interest at the rate of 7 per cent per annum upon the deficiency calculated from the date of default until the date of transmission to the Treasurer.

9.—(1) If the Comptroller, in order for him to make an ^{Demand for additional information} accounting of the tax collectable by a registrant or of the tax information payable by a registrant under this Act or for any other purpose, desires any information or additional information, or a return from a registrant who has not made a return or a complete or sufficient return, he may, by registered letter, demand from the registrant, or from the president, manager, secretary, or any director, agent or representative thereof, such information, additional information or return, and such registrant, president, manager, secretary, director, agent or representative upon whom the demand is made shall deliver to the Comptroller the information, additional information or return within the time specified in the registered letter.

(2) The Comptroller may, by registered letter, require the ^{Production of letters, accounts, etc.} production under oath or otherwise by any registrant, or by the president, manager, secretary, or any director, agent or representative thereof, or by any person, partnership, syndicate, trust or company holding or paying or liable to pay any portion of the income of such registrant, or by any partner, agent or official of any such person, partnership, syndicate, trust or company, of any letters, accounts, invoices, statements or other documents.

(3) If a registrant fails or refuses to keep adequate books ^{Books and accounts to be kept} or accounts for the purpose of ascertaining the amount of the tax payable by him or payable and collectable by him, as the case may be, the Comptroller may require such registrant to keep such records and accounts as he specifies.

(4) For every default in complying with subsection 1, 2 ^{Penalty} or 3, the persons in default, or any of them, shall pay to the Treasurer a penalty of \$25 for each day during which the default continues.

(5) For the purposes of any proceedings taken under this Act, the facts necessary to establish compliance on the part of the Treasurer or of the Comptroller with this Act, as well as the failure of any person to comply with the requirements of this Act, are sufficiently proved in any court by affidavit of the Treasurer or any officer of the Treasury Department. ^{Compliance of Treasurer or Comptroller, etc., to be proved by affidavit}

(6) Any officer authorized by the Treasurer may make such inquiry as he deems necessary to ascertain the amount of any tax collectable by a registrant or any tax payable by a registrant under this Act, and for the purposes of such inquiry such officer has all the powers and authority that may be conferred upon a commissioner under *The Public Inquiries Act*. ^{Inquiry as to amount of tax collectable or payable} ^{R.S.O. 1950, c. 308}

Treasurer
or Comptroller
not bound by
return

(7) No return or information supplied by or on behalf of a registrant is binding upon the Treasurer or the Comptroller, and notwithstanding any such return or information, or in the absence of any return or information, the Comptroller may determine the amount of the tax collectable by any registrant or of the tax payable by any registrant.

Notice of
accounting

(8) After examination of the return of a registrant, the Comptroller shall send a notice of accounting to such registrant verifying or altering the amount of tax shown to be collectable by the registrant or to be payable by the registrant in his return, and any additional tax found to be collectable or payable, as the case may be, over the amount shown in the return shall be transmitted within one month from the date of mailing of the notice of accounting and, subject to section 8, such additional tax shall bear interest at the rate of 4 per cent per annum calculated from the last date prescribed for making the return to the date of transmission to the Treasurer.

Penalty

(9) If a registrant fails to transmit the additional tax and interest within one month after the date of the mailing of the notice of accounting, he shall pay to the Treasurer, in addition to the interest provided by subsection 8, interest at the rate of 3 per cent per annum upon the additional tax from the expiry of the period of one month after the date of the mailing of the notice of accounting to the date of transmission to the Treasurer.

Time for
making
return

10. The Treasurer may enlarge the time for making any return before or after the time for making it.

Declarations
and
affidavits

11. Declarations and affidavits in connection with returns under this Act may be taken before any person having authority to administer an oath, or before any person specially authorized for that purpose by the Lieutenant-Governor in Council, but any person so specially authorized shall not charge a fee therefor.

False
statements

12. Every person who makes a false statement in any return or in any information made or furnished to the Treasurer or Comptroller under this Act is guilty of an offence and on summary conviction is liable to a penalty of not more than \$1,000 or to imprisonment for not more than six months, or both.

Continuance
of
liability

13. Notwithstanding any prior accounting or where no accounting has been made, the registrant continues to be liable for any tax that is collectable by him and for any tax that is payable by him and that has not been transmitted to the Treasurer.

14. The penalties imposed by this Act are payable upon <sup>Penalties
payable
on demand</sup> and in accordance with the demand of the Treasurer therefor.

15.—(1) Upon default of transmission by a registrant of <sup>Recovery
of tax and
penalty</sup> any tax collectable by him or of any tax or penalty payable by him under this Act,

- (a) the Treasurer may bring an action for recovery thereof in any court of competent jurisdiction and every such action shall be brought and executed in and by the name of the Treasurer or his name of office and may be continued by his successor in office as if no change had occurred, and shall be tried without a jury; or
- (b) the Treasurer may issue a warrant and direct it to the sheriff of any county or district in which any property of the registrant is located or situate, for the amount of the tax, interest and penalty, or any of them owing by the registrant, together with interest thereon from the date of the issue of the warrant and the costs, expenses and poundage of the sheriff, and such warrant has the same force and effect as a writ of execution issued out of the Supreme Court; or
- (c) the Treasurer or any officer authorized by him may enter upon the premises of the registrant or any other place in Ontario where the books or records of the registrant or any part of them are kept and make such investigation and examination as he deems necessary, and may seize any of the books and records and may, by notice in writing, require that any person who may be indebted to the registrant shall pay the debt to the Treasurer.

(2) A notice under clause *c* of subsection 1 may be served <sup>Manner of
serving
notice</sup> personally or by registered letter addressed to such person at the address indicated in the books or records of the registrant and the receipt of payment of the amount of the indebtedness by the Treasurer constitutes a good and sufficient discharge of the liability of such person to the registrant to the extent of the amount indicated in the receipt.

(3) Any person discharging any liability to a registrant <sup>Liability
of debtor</sup> owing taxes collectable by him or owing taxes or penalties payable by him under this Act after the service of the notice referred to in subsection 2 is personally liable to the Treasurer to the extent of the amount of the liability discharged between the person and the registrant or to the extent of the amount of taxes collectable by the registrant and of taxes, interest

and penalties payable by him, whichever is the lesser amount, and the Treasurer has the same remedies for the recovery of such amount from such person as he has for the recovery from the registrant of a tax collectable by him or of a tax or penalty payable by him under this Act.

**Priority
of tax**

16. Every tax collectable and every tax and penalty payable by a registrant under this Act is a first lien and charge upon his property in Ontario.

Refunds

17.—(1) The Treasurer may refund a tax imposed under this Act where the fuel on which the tax was paid was used for a purpose other than to generate power for the propulsion of a motor vehicle.

Idem

(2) A refund under subsection 1 shall not be made unless an application therefor, accompanied by properly receipted invoices, is forwarded to the Treasurer within six months from the date of payment of the invoices and unless the application and all material furnished therewith are true in every respect.

**Refunds
of over-
payments**

(3) The Treasurer may refund before or after the issue of the notice of accounting any amount that the registrant has transmitted in excess of the taxes collectable by him and of the taxes, interest and penalties payable by him, if application in writing is made therefor by the registrant within six months of the date of transmission of the tax or the date on which the notice of accounting was issued.

Secrecy

18.—(1) No person employed in the public service of Ontario shall communicate or allow to be communicated to any person not legally entitled thereto any information obtained under this Act or allow any such person to inspect or have access to any written statement furnished under this Act.

Penalty

(2) Every person who violates any provision of this section is guilty of an offence and on summary conviction is liable to a penalty of not more than \$200.

**Remedies
for
recovery
of tax and
penalties**

19. The use of a remedy does not bar or affect any other remedy, and the remedies provided by this Act for the recovery and enforcement of payment or collection, or both, of any tax or penalty, or both, imposed by this Act are in addition to other remedies existing by law, and no action or other proceeding shall in any way prejudice, limit or affect any lien, charge or priority existing under this Act or otherwise.

20. The Lieutenant-Governor in Council may make regulations, ^{Regulations}

- (a) excluding products from this Act;
- (b) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

21. This Act comes into force on a day to be named by ^{Commencement} the Lieutenant-Governor by his Proclamation.

22. This Act may be cited as *The Motor Vehicle Fuel Tax* ^{Short title} *Act, 1956.*

CHAPTER 50

An Act to amend The Municipal Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 12 of *The Municipal Act*, as re-enacted by section 1 of *The Municipal Amendment Act, 1954* (R.S.O. 1950, c. 243, s. 12) and amended by section 1 of *The Municipal Amendment Act, 1955*, is further amended by inserting after "13" in the amendment of 1955 "of section 14", so that the subsection shall read as follows:

(3) Without restricting the generality of subsection 1, the Municipal Board, by any order made upon an application for incorporation or erection or by any subsequent order or orders, may exercise all the powers conferred on it in the case of an amalgamation or annexation by subsections 7, 10, 11 and 13 of section 14, the provisions of which subsections shall apply *mutatis mutandis*. Additional powers of Board

2.—(1) Clause g of subsection 1 of section 56 of *The Municipal Act* is amended by inserting after "corporation" in the seventh line "unless before the opening of the nomination meeting he has filed his resignation with the clerk of the municipality", so that the clause shall read as follows:

(g) a person other than the head of the council who is a member of a board or commission appointed or elected for the construction, management or control of a transportation system which is owned by, or leased to, or controlled by a municipal corporation, or by trustees, or by any board or commission acting for or on behalf of such corporation, unless before the opening of the nomination meeting he has filed his resignation with the clerk of the municipality, and this clause shall have effect notwithstanding the provisions of any general or special Act or any by-law of a municipal corporation.

R.S.O. 1950,
c. 243, s. 56,
subs. 1, cl. *h*,
amended

(2) Clause *h* of subsection 1 of the said section 56 is amended by adding at the end thereof "unless before the opening of the nomination meeting he has filed his resignation with the clerk of the municipality", so that the clause shall read as follows:

R.S.O. 1950,
cc. 320, 281

(*h*) a person other than the head of the council who is an appointed or elected member of a board, commission or other body to which the construction, management or control of a public utility belonging to the corporation of the municipality is entrusted under *The Public Utilities Act*, *The Power Commission Act* or any special Act unless before the opening of the nomination meeting he has filed his resignation with the clerk of the municipality.

R.S.O. 1950,
c. 243, s. 56,
subs. 1, cl. *m*,
amended

(3) Clause *m* of subsection 1 of the said section 56 is amended by striking out "he has on or before the day of nomination" in the second and third lines and inserting in lieu thereof "before the opening of the nomination meeting he has", so that the clause shall read as follows:

(*m*) a member of a board of education or of a public, separate or high school board, unless before the opening of the nomination meeting he has filed his resignation with the secretary of the board.

R.S.O. 1950,
c. 243, s. 58,
amended

3. Section 58 of *The Municipal Act* is amended by adding thereto the following subsections:

Idem

(8) Where after the voters' list has been finally revised and the name of a person entitled to be entered thereon under this section has been omitted therefrom because such person is entered on the assessment roll as an alien, if such person produces for the inspection of the clerk his certificate of naturalization or other conclusive evidence that he is not an alien and is not otherwise disqualified, the clerk may issue a certificate (Form 10) authorizing the returning officer, the proper deputy returning officer or proper poll clerk to enter the name of such person on the voters' list to entitle him to vote as if his name had been entered thereon before the list was revised.

Idem

(9) Where after the voters' list has been finally revised and the name of a person entitled to be entered thereon under this section by reason of being the wife or husband of a person rated or entitled to be rated for land as owner or tenant has been omitted therefrom, if the person rated or entitled to be rated for land as owner or tenant is entered on the last

revised assessment roll or has been added to the assessment roll under section 51a of *The Assessment Act* and such wife or husband is not otherwise disqualified, the clerk may issue a certificate (Form 10) authorizing the returning officer or proper deputy returning officer or proper poll clerk to enter the name of such wife or husband on the voters' list to entitle her or him to vote as if her or his name had been entered thereon before the list was revised.

4. Subsection 8 of section 77 of *The Municipal Act*, as re-enacted by section 10 of *The Municipal Amendment Act*, 1955, is amended by inserting after "and" in the third line "a by-law providing for the staggered system of elections", so that the subsection shall read as follows:

- (8) A by-law under subsection 1 and a by-law repealing such a by-law shall be passed not later in the year than the 1st day of November and a by-law providing for the staggered system of elections shall not be passed unless it has received the assent of the electors.

5. Subsection 5 of section 77a of *The Municipal Act*, as enacted by section 10 of *The Municipal Amendment Act*, 1955, is amended by inserting after "and" in the third line "a by-law under subsection 1", so that the subsection shall read as follows:

- (5) A by-law under subsection 1 or 3 shall be passed not later in the year than the 1st day of November and a by-law under subsection 1 shall not be passed unless it has received the assent of the electors.

6. Subsection 1 of section 111a of *The Municipal Act*, as re-enacted by subsection 1 of section 17 of *The Municipal Amendment Act*, 1955, is amended by inserting after "municipality" in the fourth line "or confined in a hospital", so that the subsection shall read as follows:

- (1) A by-law may be passed by the council of a local municipality for providing advance polls for the purpose of receiving the votes of voters who expect to be absent from the municipality or confined in a hospital, or of election officials who in carrying out their duties as election officials will be unable to attend the poll at which they are entitled to vote, on the day fixed for polling.

R.S.O. 1950,
c. 243, s. 114,
subs. 1, cl. b,
amended

7. Clause *b* of subsection 1 of section 114 of *The Municipal Act* is amended by striking out "residence and occupation" in the third line and inserting in lieu thereof "and residence", so that the clause shall read as follows:

Recording

- (b) He shall record, or cause to be recorded by the poll clerk, in the proper columns of the poll book the name, qualification and residence of such person.

R.S.O. 1950,
c. 243, s. 234,
subs. 1,
re-enacted

8.—(1) Subsection 1 of section 234 of *The Municipal Act* is repealed and the following substituted therefor:

Minutes,
etc., to be
open to
inspection,
and copies
to be
furnished

- (1) Any person may, at all reasonable hours, inspect any of the records, books or documents mentioned in section 233 and the minutes and proceedings of any committee of the council, whether the acts of the committee have been adopted or not, and the assessment rolls, voters' lists and other documents in the possession or under the control of the clerk, and the clerk shall, within a reasonable time, furnish copies of them, certified under his hand, to any applicant on payment at the rate of 10 cents for every 100 words or at such lower rate as the council may fix.

R.S.O. 1950,
c. 243, s. 234,
subs. 2,
amended

(2) Subsection 2 of the said section 234 is amended by striking out "and the seal of the corporation" in the third line and by striking out "of the seal or" in the fifth line, so that the subsection shall read as follows:

Copies
certified by
clerk to be
receivable in
evidence

- (2) A copy of any record, book or document in the possession or under the control of the clerk purporting to be certified under his hand may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

R.S.O. 1950,
c. 243, s. 262,
re-enacted

9. Section 262 of *The Municipal Act*, as amended by section 25 of *The Municipal Amendment Act, 1955*, is repealed and the following substituted therefor:

Certain acts
not to be
done by
councils
after polling
day

- 262. The council of a local municipality shall not, after the day the poll is held for the election of the new council or where all members of council are elected by acclamation after the day the candidates are declared elected under section 73, pass any by-law, except a by-law with respect to an undertaking, work, project, scheme, act, matter or thing which

has been approved by the Municipal Board, or resolution for, or which involves, directly or indirectly, the payment of money other than that provided in the estimates for the current year, or enter into any contract or obligation on the part of the corporation, or appoint to or dismiss from office any officer under the control of the council, or do any other corporate act, except in case of extreme urgency, or unless the act is one which the council is required by law to do or is one which the council is authorized to do by a resolution or by-law passed before the day the poll is held or the day the members of council are declared elected under section 73, as the case may be.

10. Subsection 3 of section 268 of *The Municipal Act* R.S.O. 1950,
is repealed and the following substituted therefor: c. 243, s. 268,
subs. 3,
re-enacted

(3) The sum to be raised annually by such other municipality to pay its share of any principal or interest falling due in any year upon any such debentures shall be paid to the treasurer of the municipality which issued the debentures before the day such principal or interest becomes due. Payment to municipality issuing debentures

11. Section 291 of *The Municipal Act* is amended by R.S.O. 1950,
adding thereto the following subsection: c. 243, s. 291,
amended

(1a) Instead of publishing a true copy of the by-law, a synopsis of it may be published, containing a concise statement of its purposes, the amount of any debt or liability to be created or money to be raised by it, how the same is to be payable, and the amount to be raised annually for the payment of the debt, and the interest or the instalments, if the debt is to be paid by instalments. Synopsis of by-law may be published

12. Subsection 2 of section 308 of *The Municipal Act* is R.S.O. 1950,
repealed. c. 243, s. 308,
subs. 2,
repealed

13. *The Municipal Act* is amended by adding thereto the R.S.O. 1950,
following section: c. 243,
amended

314a. Where a municipality has moneys not required immediately by the municipality, such moneys may be invested in Government of Canada or Province of Ontario treasury bills or short-term bonds provided that the treasury bills or short-term bonds become due and payable before the moneys invested therein are required by the municipality and all interest thereon shall be credited to the fund from which the moneys were invested. Investment of moneys not immediately required

R.S.O. 1950,
c. 243, s. 386;
amended

Regional
Develop-
ment
Association

Aid for
retarded
children

Benches on
highways

R.S.O. 1950,
c. 243, s. 386,
par. 53,
amended

Special
undertak-
ings

R.S.O. 1950,
c. 243, s. 388,
subs. 1,
par. 37
(1952, c. 63,
s. 16,
subs. 2),
re-enacted

Discharge of
firearms

14.—(1) Section 386 of *The Municipal Act* is amended by adding thereto the following paragraphs:

11a. For appointing representatives to a Regional Development Association which has been duly constituted for the promotion of the economic development of the general area and for the making of grants to such Association.

23a. For granting aid to any association duly constituted for the promotion of the welfare and education of retarded children within the municipality.

46a. For placing or permitting any person to place benches for the use of the public on the untravelled portion of any highway under its jurisdiction.

(2) Paragraph 53 of the said section 386, as amended by subsection 8 of section 20 of *The Municipal Amendment Act, 1954* and subsection 5 of section 37 of *The Municipal Amendment Act, 1955*, is further amended by adding at the commencement thereof "Notwithstanding any general or special Act", so that the paragraph, exclusive of the clauses, shall read as follows:

53. Notwithstanding any general or special Act, subject to the approval of the Department, for acquiring, erecting, altering, maintaining, operating or managing or granting aid for the acquisition, erection, alteration, maintenance, operation or management of monuments, memorial windows, tablets, buildings, arenas, auditoriums, parks, recreational areas, health or community centres, playgrounds, athletic fields, stadia, or other places of recreation and amusement within or outside the municipality which may or may not be in commemoration of the persons or any class thereof who served during any war in the armed forces of His Majesty or His Majesty's allies or in the auxiliary or ancillary services of such forces or in the merchant marine or any Corps of (Civilian) Canadian Fire Fighters for service in the United Kingdom.

15.—(1) Paragraph 37 of subsection 1 of section 388 of *The Municipal Act*, as re-enacted by subsection 2 of section 16 of *The Municipal Amendment Act, 1952*, is repealed and the following substituted therefor:

37. For prohibiting or regulating the discharge of guns or other firearms, air-guns and spring-guns or any class or type thereof in the municipality or in any defined area or areas thereof.

37a. For regulating the sale of fireworks and for prohibiting the sale of fireworks on any day or days during the year.

37b. For prohibiting or regulating the setting off of fireworks in the municipality or in any defined area or areas thereof and for requiring a permit for the holding of fireworks displays and prescribing the conditions under which fireworks displays may be held under such permit.

(2) Paragraph 66 of subsection 1 of the said section 388 R.S.O. 1950, c. 243, s. 388, is amended by striking out the first six lines and inserting in subs. 1, par. 66, amended lieu thereof the following:

66. For authorizing the completion, improvement, alteration, enlargement or extension of any public utility undertaking, or any part or parts thereof, owned by the corporation and controlled and managed by the council or a public utility commission and for issuing debentures therefor.

(3) Clause b of paragraph 66 of subsection 1 of the said section 388 is repealed and the following substituted therefor:

(b) No such by-law shall require the assent of the electors if the by-law authorizing the undertaking has been approved by the Municipal Board and passed by a vote of three-fourths of all the members of the council.

(4) Subsection 1 of the said section 388 is amended by adding thereto the following paragraph:

74a. For requiring the maintenance of adequate and suitable heat for rented or leased dwelling or living accommodation which, as between tenant or lessee and the landlord, is normally heated by or at the expense of the landlord, for defining adequate and suitable heat for such purposes and for providing for the inspection of such dwelling or living accommodation.

(5) Paragraph 89a of subsection 1 of the said section 388, R.S.O. 1950, c. 243, s. 388, as enacted by subsection 3 of section 16 of *The Municipal Amendment Act, 1952*, is amended by striking out "and sewage works" in the second line and inserting in lieu thereof "or water supply systems, electrical power or energy generating, transmission or distribution systems, natural or artificial

gas works or supply systems, sewer, sewer systems or sewage works, or transportation systems", so that the paragraph, exclusive of the clauses, shall read as follows:

Investigations and reports as to utilities

- 89a. For procuring investigations and reports as to water works or water supply systems, electrical power or energy generating, transmission or distribution systems, natural or artificial gas works or supply systems, sewer, sewer systems or sewage works, or transportation systems, and may issue debentures therefor.

R.S.O. 1950,
c. 243, s. 388,
subs. 1,
amended (6) Subsection 1 of the said section 388 is amended by adding thereto the following paragraph:

Licensing of trailers

- 91b. For licensing trailers, as defined in paragraph 91a, located in the municipality, except in a trailer camp, for thirty days or longer in any year and for prohibiting such trailers being located in the municipality except in a trailer camp, without a licence therefor.

Application of by-law

- (a) No by-law passed under this paragraph applies to a trailer when located in the municipality only for the purpose of sale or storage.

Licence fees

- (b) Licence fees may be charged for every month or portion of a month that the trailer is located in the municipality and the licence fees, except for the first thirty days, may be made payable in advance, but no licence fee shall be more than \$10 per month.

R.S.O. 1950,
c. 243, s. 388,
subs. 1,
par. 97,
amended (7) Paragraph 97 of subsection 1 of the said section 388 is amended by inserting after "permitting" in the first line "window air-conditioners", so that the paragraph shall read as follows:

Projections

97. For permitting window air-conditioners, cornices, eaves, awning containers, awning covers, sills, brackets and other similar projections beyond the main walls of buildings to encroach upon a highway at a height of not less than eight feet above the grade thereof established by the corporation.

R.S.O. 1950,
c. 243, s. 388,
subs. 1, par.
101a (1953
c. 70, s. 12),
cl. b,
amended (8) Clause b of paragraph 101a of subsection 1 of the said section 388, as enacted by section 12 of *The Municipal Amendment Act, 1953*, is amended by striking out "21" in the sixth line and inserting in lieu thereof "15", so that the clause shall read as follows:

(b)

(b) A by-law passed under this paragraph may be in respect of the whole of the municipality or a defined area or defined areas thereof, and any such area may be enlarged, reduced, dissolved or amalgamated at the discretion of the council and the provisions of section 15 shall not apply.

(9) Paragraph 107 of subsection 1 of the said section 388 R.S.O. 1950,
is amended by striking out "named" in the sixth line and subs. 1,
inserting in lieu thereof "specified", so that the paragraph, par. 107,
exclusive of the clause, shall read as follows:

107. Subject to *The Highway Traffic Act*, for regulating traffic on the highways and for prohibiting heavy traffic as defined in the by-law and the use of traction engines and the driving of cattle, sheep, pigs and other animals during the whole or any part of the day or night in certain highways and public places specified in the by-law, and for prohibiting traffic in any but one direction in highways which in the opinion of the council are too narrow for the passing of one vehicle by another or in which, in the opinion of the council, it is desirable that traffic should be limited to one direction.

16.—(1) Clause *a* of subsection 3 of section 390 of *The Municipal Act* is amended by striking out "15 of *The Planning Act*", so that the clause shall read as follows:

(a) of the committee of adjustment constituted under section 17 of *The Planning Act, 1955*; or 1955, c. 61

(2) Clause *a* of subsection 6 of the said section 390, as re-enacted by subsection 4 of section 40 of *The Municipal Amendment Act, 1955*, is amended by inserting after "was" in the third line "lawfully", so that the clause shall read as follows:

(a) to prevent the use of any land, building or structure for any purpose prohibited by the by-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose; or

R.S.O. 1950,
c. 243, s. 413;
amended

17.—(1) Section 413 of *The Municipal Act* is amended by striking out “villages and cities” in the second line and inserting in lieu thereof “and villages and of cities”, so that the section, exclusive of the paragraphs, shall read as follows:

413. By-laws may be passed by the councils of towns, townships and villages and of cities having a population of less than 100,000 and by boards of commissioners of police of cities having a population of not less than 100,000:

R.S.O. 1950,
c. 243, s. 413;
par. 12,
amended

(2) Paragraph 12 of the said section 413, as amended by subsection 2 of section 43 of *The Municipal Amendment Act, 1955*, is further amended by adding thereto the following clause:

Licensing
and regulat-
ing

(b) Any by-law passed under this paragraph may, among other things,

- (i) require trailer camps to be divided into lots having such minimum area as the by-law may prescribe,
- (ii) provide for the issue of licences for a period of one month or longer to the owner of a trailer camp for each lot to be made available by such owner for the occupancy of a trailer during the currency of a licence and prohibit the use of any lots for the occupancy of trailers without a licence therefor,
- (iii) require a licence fee of not more than \$10 per month payable by the owner of a trailer camp for each such lot and require fees to be paid in advance.

R.S.O. 1950,
c. 243, s. 470,
subs. 1,
amended

18. Subsection 1 of section 470 of *The Municipal Act* is amended by inserting after “it” in the fifth line “unless such person consents to the passing of the by-law or”, so that the subsection shall read as follows:

Right of
ingress and
egress not
to be taken
away by
closing road

- (1) A by-law shall not be passed for stopping up, altering or diverting any highway or part of a highway if the effect of the by-law will be to deprive any person of the means of ingress and egress to and from his land or place of residence over such highway or part of it unless such person consents to the passing of the by-law or unless in addition to making compensation to such person, as provided by this Act,

another

another convenient road or way of access to his land or place of residence is provided.

19. Section 480 of *The Municipal Act*, as amended by R.S.O. 1950, c. 243, s. 480, section 34 of *The Municipal Amendment Act, 1954*, is further amended by inserting after "machinery" in the third line "snow-removal equipment", so that the section shall read as follows:

480. The council of every municipality may pass by-laws Purchasing or renting for purchasing conditionally, or otherwise, or for machinery renting for a term of years or otherwise, road-making machinery, snow-removal equipment and appliances for the purposes of the corporation, and for borrowing money for the purpose of paying the purchase price for any period not exceeding five years and for issuing debentures for the money so borrowed, or for issuing to the vendor debentures payable within that period in payment of the purchase money.

20. *The Municipal Act* is amended by adding thereto the R.S.O. 1950, c. 243, following section: amended

531d. Every improvement district may,

Acquisition
of land for
develop-
ment

(a) acquire and hold land within the improvement district for development purposes;

(b) survey, clear, grade and subdivide such land;

(c) undertake with respect to such land any undertaking, work, project, scheme, act, matter or thing that may be undertaken by a municipality under any Act;

(d) sell, lease or otherwise dispose of such land; and

(e) borrow money upon debentures for any of the purposes mentioned in clauses *a* to *d*.

21.—(1) This Act, except section 20, comes into force on Commencement the day it receives Royal Assent.

(2) Section 20 shall be deemed to have come into force on Idem the 1st day of January, 1954.

22. This Act may be cited as *The Municipal Amendment* Short title *Act, 1956.*

CHAPTER 51

An Act to amend The Municipal Arbitrations Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Municipal Arbitrations Act* is amended by inserting after “100,000” in the second line “or against the corporation of any other municipality to which this Act applies”, so that the subsection shall read as follows:

(1) All claims against the corporation of a city having a population of not less than 100,000 or against the corporation of any other municipality to which this Act applies, and all claims made jointly against such corporation and the corporation of an adjoining municipality for compensation or damages for land expropriated or injuriously affected under *The Municipal Act*, and all other claims and questions arising under any lease or other contract to which the corporation is a party, and which by law or by the terms of the lease or contract are to be determined by arbitration, shall be heard and determined by an official referee appointed by the Lieutenant-Governor in Council and who shall be called the “Official Arbitrator”.

(2) The said section 1 is amended by adding thereto the following subsection:

(1a) An official referee may be appointed by the Lieutenant-Governor in Council for any municipality to which this Act applies and he shall be the “Official Arbitrator” for the municipality for which he is appointed.

2. Section 2 of *The Municipal Arbitrations Act* is amended by adding thereto the following subsection:

(2a)

Deputy
Official
Arbitrator
for specific
municipality

- (2a) Where an Official Arbitrator has been appointed for a municipality under subsection 1a of section 1, a Deputy Official Arbitrator may be appointed for such municipality and he shall be the "Deputy Official Arbitrator" for the municipality for which he is appointed.

R.S.O. 1950,
c. 244, s. 12,
subs. 1,
repealed

- 3.**—(1) Subsection 1 of section 12 of *The Municipal Arbitrations Act* is repealed.

R.S.O. 1950,
c. 244, s. 12,
subs. 2,
amended

- (2) Subsection 2 of the said section 12 is amended by striking out "such fees" in the first line and inserting in lieu thereof "the fees and expenses of the Official Arbitrator" and by inserting after "fees" in the seventh line "and expenses", so that the subsection shall read as follows:

By whom
payable

- (2) One-half of the fees and expenses of the Official Arbitrator shall be payable by each of the parties to the reference if only two parties are interested, and proportionately by all parties interested if a larger number than two are so interested; but the Official Arbitrator shall have power to award that any sum so paid or payable may be recoverable by any one or more of the parties from any other or others of them, and such fees and expenses shall be recoverable as any other costs of the arbitration.

R.S.O. 1950,
c. 244, s. 15,
subs. 1,
amended

- 4.**—(1) Subsection 1 of section 15 of *The Municipal Arbitrations Act* is amended by inserting after "to" in the first line "The Municipality of Metropolitan Toronto", so that the subsection shall read as follows:

Application
of Act

- (1) This Act shall extend and apply to The Municipality of Metropolitan Toronto, the County of York and to the Township of York, and to any municipality the council of which by by-law declares that it is desirable that the municipality be brought within the provisions of this Act, and in such case this Act shall be read as though it had been expressly applied to such municipality by the terms thereof.

R.S.O. 1950,
c. 244, s. 15,
subs. 2,
repealed

- (2) Subsection 2 of the said section 15 is repealed.

Commencement

- 5.** This Act comes into force on the day it receives Royal Assent.

Short title

- 6.** This Act may be cited as *The Municipal Arbitrations Amendment Act, 1956*.

CHAPTER 52

**An Act to amend
The Municipal Subsidies Adjustment Act,
1953**

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3b of *The Municipal Subsidies Adjustment Act, 1953*, c. 71 s. 3b (1954), as enacted by section 1 of *The Municipal Subsidies Adjustment Amendment Act, 1954*, is amended by inserting ^{c. 61, s. 1,} ^{amended} after "municipality" where it occurs the first time in the third line "having a taxable assessment of less than 15 per cent of the total taxable assessment of such rural municipality", so that the section, exclusive of the clauses, shall read as follows:

3b. Notwithstanding the provisions of *The Municipal Unconditional Grants Act, 1953*, where part of a ^{of payments} ^{under 1953,} ^{c. 72 on} rural municipality having a taxable assessment of annexations less than 15 per cent of the total taxable assessment of such rural municipality is annexed to an urban municipality, the Minister of Municipal Affairs shall adjust the payments under the said Act for the first five years immediately following the annexation, so that,

.

2. This Act comes into force on the day it receives Royal ^{Commencement} Assent.

3. This Act may be cited as *The Municipal Subsidies Adjustment Amendment Act, 1956*. ^{Short title}

CHAPTER 53

An Act to amend The Municipality of Metropolitan Toronto Act, 1953

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Municipality of Metropolitan Toronto Act, 1953*, c. 73, is amended by adding thereto the following sub-^{s. 2,} amended section:

(3) The Metropolitan Corporation shall be deemed to be a city for the purposes of section 421 of *The Municipal Act*.^{Deemed city under R.S.O. 1950, c. 243}

2. *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following section:

3a.—(1) In every area municipality meetings of electors for the nomination of candidates for council and for trustees of police villages in the Metropolitan Area and for any local board, any members of which are to be elected by ballot by the electors, shall be held in the year 1956 and in every second year thereafter on the second Monday preceding the first Monday in December.^{Election of council, etc.}

(2) The day for polling shall be the first Monday in December and the polls shall be open between the hours of 10 o'clock in the morning and 8 o'clock in the evening.^{Day for polling}

(3) The council of every area municipality and the trustees of every such police village before the 1st meeting day of November, in the year 1956 and in every second year thereafter, shall pass a by-law naming the place or places and time or times at which the nomination meeting or meetings shall be held.^{Place of nomination}

(4) The members of council and of such local boards shall hold office for a two-year term and until their successors are elected and the new council or board is organized.^{Term of office}

Term of present members of local boards

- (5) The term of office of all present members of local boards elected by ballot by the electors and of all present trustees in police villages in the Metropolitan Area shall expire on the 31st day of December, 1956.

Metropolitan Separate School Board

- (6) This section applies to members of the Metropolitan Separate School Board and the term of office of all present members shall expire on the 31st day of December, 1956.

1953, c. 73,
s. 77,
subs. 1,
amended

3. Subsection 1 of section 77 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out "January" in the fourth line and inserting in lieu thereof "March", so that the subsection shall read as follows:

Submission of by-law covering estimated expenditure

- (1) The Metropolitan Corporation shall submit a by-law covering the estimated expenditure on metropolitan roads for the calendar year to the Department for the Minister's approval, not later than the 31st day of March of the year in which the expenditure is to be made.

1953, c. 73,
amended

4. *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following section:

Contribution towards suburban roads

- 96a. In addition to the liability of the Metropolitan Corporation for the expenditures on suburban roads under section 96, the Metropolitan Council may contribute such amount as the Metropolitan Council deems proper as its appropriate share of the administrative expenses of the Toronto and York Roads Commission.

1953, c. 73,
s. 99,
amended

5. Section 99 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection:

Liability re Bayview bridge

- (1a) Notwithstanding subsection 1, the Metropolitan Corporation shall after the 1st day of January, 1956, pay to The Corporation of the Township of North York before the due date all amounts of principal and interest becoming due upon any outstanding debentures of the Bayview Avenue bridge which are payable as the owner's share of such local improvement work.

1953, c. 73,
amended

6. *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following section:

Stopping up highways

- 99a.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the secretary of the board of the Metropolitan Toronto Planning Area by registered mail.

- (2) If the board of the Metropolitan Toronto Planning Agreement Area objects to such stopping up, it shall so notify the council of the area municipality by registered mail within twenty-one days of the receipt of the notice under subsection 1 and the highway or part thereof concerned shall not be stopped up except by agreement between the area municipality and the board and failing agreement the Municipal Board, upon application, may determine the matter and its decision shall be final.
- (3) In the case of a township in the Metropolitan Area, Approval of it is not necessary to obtain the approval of the judge required of the county court to such stopping up under section 469 of *The Municipal Act*.
R.S.O. 1950,
c. 243

7.—(1) Subsection 1 of section 109 of *The Municipality of Metropolitan Toronto Act, 1953*, s. 73, s. 109, subs. 1, amended is repealed and the following substituted therefor:

- (1) For the purposes of *The Public Vehicles Act* and the Application of R.S.O. regulations with respect to registration fees under 1950, *The Highway Traffic Act*, the Metropolitan Area shall co. 322, 167, 304 be deemed to be one urban municipality, and for the purpose of *The Public Commercial Vehicles Act*, the Metropolitan Area shall be deemed to be one urban zone.
- (2) Subsection 2 of the said section 109 is repealed and the 1953, c. 73, s. 109, subs. 2, re-enacted following substituted therefor:
- (2) Except in accordance with an agreement made under Exclusive authority subsection 3, no person other than the Commission shall, after the 1st day of July, 1954, operate a local passenger transportation service within the Metropolitan Area, with the exception of steam railways, taxis, buses owned and operated by a board of education, school board or private school and buses owned and operated by any corporation or organization solely for the purposes of the corporation or organization provided no fare or fee is charged for transportation.

(3) The said section 109 is amended by adding thereto 1953, c. 73, s. 109, amended the following subsection:

- (11) Every person who violates any of the provisions of Penalty subsection 2 is guilty of an offence and on summary conviction is liable to a penalty of \$50 for the first offence and \$300 for each subsequent offence.

8. *The Municipality of Metropolitan Toronto Act, 1953* is 1953, c. 73, amended amended by adding thereto the following section:

Grants re
free trans-
portation
for blind,
etc.

112a.—(1) The Metropolitan Council may make an annual grant of not more than \$50,000 to the Toronto Transit Commission toward the cost of providing free transportation for blind persons and war amputees.

Grants re
losses on re-
organization

(2) The Metropolitan Council in the year 1956 may make a grant of not more than \$2,300,000 to the Toronto Transit Commission on account of the losses suffered by the Commission during the extension and re-organization of its system in the Metropolitan Area.

1953, c. 73,
s. 119,
subs. 2,
amended

9.—(1) Subsection 2 of section 119 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out "subsection 5" in the first line and inserting in lieu thereof "subsections 5 and 5a", so that the subsection, exclusive of the clauses, shall read as follows:

Composition
of School
Board

(2) Subject to subsections 5 and 5a, the School Board shall be composed of the following persons:

1953, c. 73,
s. 119,
amended

(2) The said section 119 is amended by adding thereto the following subsection:

Where
chairman
of area
board
declines
to serve
on School
Board

(5a) Where the chairman of an area board declines to serve his term as representative on the School Board, he shall so notify the area board in writing on or before the second Wednesday of January and in such case the area board shall by resolution passed before the first meeting of the School Board appoint one of its members to be the representative of the area board on the School Board.

1953, c. 73,
s. 125,
amended

10. Section 125 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following subsection:

Maintenance
assistance
payments
increased
in certain
cases

(6) The School Board may increase the maintenance payments provided for in this section in respect of,

(a) pupils who reside in a public school division and attend a public school in another public school division as determined by the School Board; and

(b) pupils who reside in a high school district and attend a secondary school in another high school district as determined by the School Board.

11. *The Municipality of Metropolitan Toronto Act, 1953* is ^{1953, c. 73,} amended by adding thereto the following section:

- 134a.—(1) The council of any area municipality may grant aid to the board of education for the area municipality to pay in whole or in part for the construction by the board of indoor or outdoor swimming pools on the property of the board.
- (2) An area municipality and the board of education thereof may enter into agreements with respect to the construction, control, operation, maintenance and repair of such swimming pools and with respect to the operation and use of such swimming pools except during school hours by the area municipality.
- (3) The council of an area municipality may charge fees for the use of or admission to such swimming pools while the operation and use of the pools is under the control of the area municipality.
- (4) The Metropolitan Corporation may issue debentures for the purposes of any undertaking under this section.

12.—(1) Subsection 3 of section 138 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by striking out “annual” in the second line and inserting in lieu thereof “biennial”, so that the subsection shall read as follows:

- (3) A by-law under this section shall not be repealed until two biennial elections have been held under it.
- (2) Subsection 5 of the said section 138 is amended by striking out “annual” in the second line and inserting in lieu thereof “biennial”, so that the subsection shall read as follows:
- (5) Every such by-law, including a repealing by-law, shall take effect at and for the purposes of the biennial election next after its passing.

13. *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following sections:

- 141a. The Metropolitan Corporation shall repay to each area municipality any expenses incurred after the 31st day of December, 1955, by the area municipality for the interment of dead bodies required to be interred by the area municipality under *The Anatomy Act*.

Metropolitan
Corporation
liability
under R.S.O.
1950, c. 229

- 141b. The Metropolitan Corporation shall be liable for the necessary expenses incurred in conveying persons to and from institutions under section 57 of *The Mental Hospitals Act* and subsections 2 and 3 thereof shall apply *mutatis mutandis* to the Metropolitan Corporation and no area municipality shall be liable for such expenses.

1953, c. 73,
amended

- 14.** *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following section:

Public and
isolation
hospitals
R.S.O. 1950,
cc. 307, 306

- 144a.—(1) Subject to *The Public Hospitals Act*, the Metropolitan Corporation may establish, erect, equip, maintain and operate a public hospital and shall be deemed to be a city for the purposes of establishing, erecting and maintaining an isolation hospital under *The Public Health Act*.

Transfer of
Riverdale
Isolation
Hospital

- (2) For such purposes, the Riverdale Isolation Hospital established, erected and maintained by The Corporation of the City of Toronto under *The Public Health Act* and the nurses' residence used in connection therewith and all real and personal property used for the purposes of such hospital and nurses' residence are hereby vested in the Metropolitan Corporation and no compensation shall be paid to the City in respect thereof.

Staff

- (3) The Metropolitan Corporation shall offer to employ every person who is continuously employed from the 15th day of February, 1956, until immediately before this section comes into force by The Corporation of the City of Toronto for the purposes of the Riverdale Isolation Hospital.

1953, c. 73,
s. 145,
subs. 2,
cl. b,
amended

- 15.** Clause *b* of subsection 2 of section 145 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by inserting after "by" in the second line "the welfare officer of the Metropolitan Corporation or", so that the clause shall read as follows:

- (*b*) the statement in the prescribed form referred to in clause *c* of that subsection shall be signed by the welfare officer of the Metropolitan Corporation or the welfare officer of the area municipality in which the applicant resides at the time of his application.

1953, c. 73,
amended

- 16.** *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following section:

156a. The Metropolitan Council may acquire the lands and premises known as 186-194 Beverley Street in the City of Toronto for the use of the Metropolitan Toronto Association for Retarded Children and may lease such lands and premises to the Association for a nominal amount for such term and under such conditions as the Metropolitan Council may determine.

17. *The Municipality of Metropolitan Toronto Act, 1953* is 1953, c. 73, amended by adding thereto the following section:

158a. The Metropolitan Corporation may acquire land which may be exchanged for other land for the purpose of providing a site for the erection of a court house.

18. *The Municipality of Metropolitan Toronto Act, 1953* is 1953, c. 73, amended by adding thereto the following Parts:

PART X-A

METROPOLITAN POLICE

175a. In this Part, "Metropolitan Board" means Metropolitan Board of Commissioners of Police for the Metropolitan Corporation.

175b.—(1) The Metropolitan Corporation shall be deemed to be a city for the purposes of *The Police Act*.

(2) *The Police Act* shall not apply to any area municipality.

175c. All boards of commissioners of police of area municipalities are hereby dissolved.

175d.—(1) The Board of Commissioners of Police for the Metropolitan Corporation shall be known as Metropolitan Board of Commissioners of Police and shall be composed of,

(a) the chairman of the Metropolitan Council;

(b) one member of the Metropolitan Council appointed by the Metropolitan Council;

(c) a judge of the county court of the County of York designated by the Lieutenant-Governor in Council; and

(d) two magistrates designated by the Lieutenant-Governor in Council.

(2)

Specific powers

(2) The Metropolitan Board may pass by-laws under paragraph 3 of section 415 of *The Municipal Act*.

Remuneration

175e. The Metropolitan Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the Metropolitan Board.

Accommodation and equipment

175f. The Metropolitan Corporation shall provide all real and personal property necessary for the purposes of the Metropolitan Board.

Regulations of dissolved boards continue in force R.S.O. 1950, c. 279

175g. All regulations under *The Police Act* made by the boards of commissioners of police dissolved under section 175c that are in force immediately before this section comes into force shall continue in force and effect and apply to the members of the Metropolitan Police Force until repealed by the Metropolitan Board.

Members of area municipality police force transferred to Metropolitan Board

175h.—(1) Every person who is a member of a police force in an area municipality, including any chief constable, constable, police officer and assistant, on the 15th day of March, 1956, and is continuously so employed until immediately before this section comes into force, hereby becomes a member of the Metropolitan Police Force on the 1st day of January, 1957, and shall be subject to the government of the Metropolitan Board to the same extent as if appointed by the Metropolitan Board.

Application of pension provisions to civilian employees

(2) Subsections 3 to 6 of section 22 shall apply to every person who becomes a member of the Metropolitan Police Force, except a chief constable, constable or other police officer, to the same extent as if such person had been an employee of an area municipality or the board of commissioners of police thereof and thereafter became employed by the Metropolitan Corporation.

Enforcement of by-laws

(3) The Metropolitan Board and the members of the Metropolitan Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Metropolitan Corporation.

Assumption of buildings

175i.—(1) The Metropolitan Council shall, before the 1st day of January, 1957, pass by-laws which shall be effective on the 1st day of January, 1957, assuming for the use of the Metropolitan Board any such land or building that the Metropolitan Board may require that is vested on the 15th day of February, 1956, in any area municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that area municipality, and on the day any such by-law becomes effective the property designated therein shall vest in the Metropolitan Corporation.

(2) No area municipality, before the 1st day of January, ^{Sale by area} 1957, shall without the consent of the Metropolitan Board sell, ^{municipalities limited} lease or otherwise dispose of or encumber any land or buildings mentioned in subsection 1.

(3) Notwithstanding subsection 1, a by-law for assuming ^{Extension of time} any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of January, 1957, and in that case the by-law shall become effective on the date provided therein.

(4) Where any part of a building mentioned in subsection 1 is used by the area municipality or a local board thereof for other than police purposes, the Metropolitan Council may, ^{Building not used exclusively for police force}

- (a) where practicable assume only the part of the building and land appurtenant thereto used for the purposes of the police force of the area municipality; or
- (b) vest the building and land appurtenant thereto in the Metropolitan Corporation and enter into an agreement with the area municipality or local board thereof for the use of a part of the building by the area municipality or local board on such terms and conditions as may be agreed upon.

(5) Where the Metropolitan Corporation assumes any ^{Metropolitan Corporation liability} property under subsection 1 or 3,

- (a) no compensation or damage shall be payable to the area municipality or local board except as provided in this subsection;
- (b) the Metropolitan Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality in respect of any property vested in the Metropolitan Corporation;
- (c) the Metropolitan Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Metropolitan Corporation under this section that is not used for police purposes on the 15th day of February, 1956, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision shall be final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debentures in respect of such portion.

Default

(6) If the Metropolitan Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Metropolitan Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Accommodation

(7) Where a building vested in an area municipality or local board is used partly by the police force of the area municipality and is not vested in the Metropolitan Corporation under this section, the area municipality at the request of the Metropolitan Board shall provide, at such rental as may be agreed upon, at least as much accommodation in such building for the use of the Metropolitan Board as was being provided by the area municipality for its police force on the 15th day of February, 1956.

Office supplies, etc.

(8) At the request of the Metropolitan Board, each area municipality, for the use of the Metropolitan Board,

- (a) shall transfer to the Metropolitan Corporation without compensation all office supplies and stationery in the possession of the area municipality on the 31st day of December, 1956, that was provided for the exclusive use of the police force of the area municipality;
- (b) shall transfer to the Metropolitan Corporation without compensation all personal property with the exception of office supplies and stationery in the possession of the area municipality on the 15th day of February, 1956, or thereafter that was provided for the exclusive use of the police force of the area municipality;
- (c) shall make available to the Metropolitan Corporation all personal property the use of which was shared by the police and any department or departments of the area municipality on the 15th day of February, 1956, on the same terms and to the same extent as the police department used the property before the 15th day of February, 1956.

Disposal of personal property

(9) No area municipality or board of commissioners of police, without the consent of the Metropolitan Board, shall dispose of any personal property referred to in subsection 8 owned by the area municipality on the 15th day of February, 1956, or thereafter.

Signal system transferred

(10) All signal and communication systems owned by any area municipality and used for the purposes of the police force of the area municipality on the 15th day of February, 1956, or thereafter are vested in the Metropolitan Corporation for the

use of the Metropolitan Board on the 1st day of January, 1957, and no compensation shall be payable to the area municipality therefor and the Metropolitan Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality in respect of any such signal or communication system.

(11) In the event of any doubt as to whether,

Settling
of doubts

- (a) any outstanding debenture or portion thereof was issued in respect of any property assumed; or
- (b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision shall be final.

175j.—(1) The Metropolitan Board shall provide such pensions pension plan for the chief constable, constables and other police officers who are members of the Metropolitan Police Force, as the Minister may approve, and may provide for the incorporation of the plan of any area municipality and the Toronto Police Benefit Fund with the plan established under this section, and may provide for the transfer of the interests of such members who were in the service of the police force of an area municipality from the Toronto Police Benefit Fund and from the pension plan of any area municipality to the pension plan established under this section.

(2) The benefits provided in the pension plan established under this section for the services of any member of the Metropolitan Police Force performed on and after the 1st day of January, 1957, shall be on a basis not less favourable with respect to such services than the benefits provided in By-law No. 13273 of The Corporation of the City of Toronto, as amended, respecting the Toronto Police Benefit Fund.

(3) The benefits provided in the pension plan established under this section,

Provisions
not less
favourable
than Toronto
Police Bene-
fit Fund

(a) with respect to the services performed before the 1st day of January, 1957, of members of the Toronto Police Benefit Fund shall be not less favourable than the benefits provided in the said By-law No. 13273, provided such benefits shall be limited to those purchasable with the assets transferred from the Toronto Police Benefit Fund and the payments to be made by the City of Toronto as provided in subsection 7 to the pension plan established under this section; and

(b)

(b) with respect to the services performed before the 1st day of January, 1957, by the chief constable, constables and other police officers of any other area municipality shall be not less favourable than the benefits provided for the chief constable, constables and other police officers under the pension plan of such other area municipality, provided such benefits shall be limited to those purchasable with the assets transferred from the pension plan of the area municipality, the payments to be made by the area municipality as provided in subsection 7 and any additional payments agreed to be made by the area municipality to the pension plan established under this section.

Police officers to participate

(4) Every chief constable, constable and other police officer of an area municipality who becomes a member of the Metropolitan Police Force under section 175*h* shall thereupon become a member of the pension plan established or to be established under this section.

Contributions in provisional fund

(5) Until a pension plan is established under this section, the Metropolitan Board shall deduct by instalments 7 per cent of the gross salary of each member of the Metropolitan Police Force referred to in subsection 4, and the Metropolitan Corporation shall contribute an equivalent amount and shall pay over to the treasurer of the Metropolitan Corporation all deductions and contributions which shall be held by him in trust in a provisional fund.

Transfer of assets

(6) At the request of the Metropolitan Board,

- (a) the ownership of the assets of the Toronto Police Benefit Fund;
- (b) a sum equal to the amount standing to the credit of the chief constable, constables and other police officers of each area municipality, except the City of Toronto, in the pension plan of the area municipality; and
- (c) the interest of every such police officer in the pension plan of an area municipality provided by contract with Her Majesty in accordance with the *Government Annuities Act* (Canada) or with an insurer,

R.S.C. 1952,
c. 132

shall be transferred to the provisional fund under subsection 5 until the pension plan is established under this section and thereafter to such pension plan.

Payments for which area municipality committed

(7) Where any area municipality is committed to make payments in any year into the pension plan of any area

municipality

municipality or the Toronto Police Benefit Fund with respect to past services of any chief constable, constable or other police officer, the area municipality shall pay over in such year the amounts for which it is so committed to the provisional fund under subsection 5 until the pension plan is established under this section and thereafter to such pension plan.

(8) When a pension plan is established under this section, the assets of the provisional fund shall be transferred thereto. <sup>Assets of
provisional
fund
transferred</sup>

(9) The Metropolitan Board shall establish, effective on <sup>Sick leave
credits</sup> and after the 1st day of January, 1957, a sick leave credit plan for the chief constable, constables and other police officers who are members of the Metropolitan Police Force, and shall provide therein for sick leave credits at least equivalent to those to which each such person would have been entitled if he had remained a member of a police force in an area municipality and shall place to the credit of each such person the sick leave credits standing to his credit in the plan of the area municipality.

(10) Where a chief constable, constable or other police officer of an area municipality becomes a member of the Metropolitan Police Force under section 175h, the Metropolitan Board shall provide, during the first year he is such a member, for holidays with pay at least equivalent to those to which such police officer would have been entitled if he had remained a member of the police force of the area municipality. ^{Holidays}

175k.—(1) The Metropolitan Board shall be organized ^{Organization of Metro-} forthwith after this Act comes into force and, in addition to ^{politan} ^{Board} the powers that may be exercised and things done under section 5 of *The Interpretation Act*, the Board may do all ^{R.S.O. 1950,} ^{c. 184} things it deems necessary to be properly organized by the 1st day of January, 1957.

(2) The Metropolitan Corporation shall pay such remuneration to the members of the Metropolitan Board for ^{Remunera-} ^{tion of} ^{members of} their services in the year 1956 as the Lieutenant-Governor in ^{Board during} ¹⁹⁵⁶ Council may determine.

MAGISTRATES

175l.—(1) The Metropolitan Corporation shall be deemed ^{Metropolitan} ^{Corporation} ^{deemed} to be a city for the purposes of *The Magistrates Act, 1952.* ^{city under} ^{1952, c. 53}

(2) *The Magistrates Act, 1952* shall not apply to the City of ^{Application of} ^{1952,} ^{c. 53} Toronto and any reference to the City of Toronto in that

Act shall be deemed to be a reference to the Metropolitan Corporation.

Use of buildings

175m. The Metropolitan Corporation may for the purposes of the magistrates assigned to the Metropolitan Corporation continue to use any court room and office accommodation provided by The Corporation of the City of Toronto for the purposes of the magistrates assigned to the City of Toronto on the 31st day of December, 1956, on such terms and at such rental as may be agreed upon and failing agreement as may be determined by the Municipal Board.

Transfer of personal property

175n. At the request of the Metropolitan Corporation,

- (a) there shall be transferred to the Metropolitan Corporation without compensation all office supplies and stationery used exclusively for the purposes of the magistrates' courts in the Metropolitan Area on the 31st day of December, 1956;
- (b) there shall be transferred to the Metropolitan Corporation without compensation all public personal property, with the exception of office supplies and stationery, used exclusively for the purposes of the magistrates' courts in the Metropolitan Area on the 15th day of February, 1956;
- (c) there shall be made available to the Metropolitan Corporation all personal property, the use of which was shared by the magistrates' courts and any department or departments of any area municipality on the 15th day of February, 1956, to the same extent as the magistrates used the property on the 15th day of February, 1956, on such terms as may be agreed upon and failing agreement as may be determined by the Municipal Board.

Existing staff

175o. The Metropolitan Corporation shall offer to employ for the purposes of the magistrates' courts every person who is continuously employed from the 15th day of February, 1956, until immediately before this section comes into force for the purposes of the magistrates' courts in the Metropolitan Area.

Metropolitan Corporation deemed a city under R.S.O. 1950, c. 167

175p. The Metropolitan Corporation shall be deemed to be a city for the purpose of section 64 of *The Highway Traffic Act*.

Metropolitan Corporation deemed a municipality under R.S.O. 1950, c. 211

175q. The Metropolitan Corporation shall be deemed to be a municipality for the purpose of section 83 of *The Liquor Licence Act*.

175r. The fines and penalties that but for this Act would otherwise belong to an area municipality shall belong to the Metropolitan Corporation. ^{Penalties}

PART X-B

LICENSING COMMISSION

175s. In this Part, "Licensing Commission" means the ^{Interpretation} licensing commission established for The Municipality of Metropolitan Toronto under this Part.

175t.—(1) There shall be a licensing commission for The ^{Licensing Commission} Municipality of Metropolitan Toronto to be known as Metropolitan Licensing Commission composed of,

(a) the chairman of the Metropolitan Council or his delegate; and

(b) two magistrates designated by the Lieutenant-Governor in Council.

(2) The chairman of the Metropolitan Council may ^{Chairman} designate any member of the Metropolitan Council to be his ^{may appoint delegate} delegate at any or all of the meetings of the Licensing Commission.

175u.—(1) The Licensing Commission shall have all the ^{Powers} powers that may be exercised,

(a) by boards of commissioners of police under,

(i) paragraphs 1, 3a and 5 of section 406 of *The R.S.O. 1950, c. 243 Municipal Act*,

(ii) paragraphs 8 and 9 of subsection 1 of section 410 of *The Municipal Act*,

(iii) paragraphs 2a, 3, 9 and 11 of section 413 of *The Municipal Act*;

(b) by councils of cities under paragraph 1 of section 401 of *The Municipal Act*.

(2) The Metropolitan Council, by reference to the provisions of any Act, may by by-law authorize the Licensing Commission to exercise the powers of any area municipality or board of commissioners of police with respect to the licensing, regulating, governing, prohibiting or limiting of any trade, calling, business or occupation or the person carrying

on or engaged in it and upon being so authorized the Licensing Commission may exercise such powers.

By-laws

R.S.O. 1950, c. 243

175v. Where a by-law of the Licensing Commission passed under a provision of *The Municipal Act* or any other Act is applicable to an area municipality, any by-law of the area municipality passed under the same provision of *The Municipal Act* or any other Act shall have no effect and the area municipality shall not have power to pass such a by-law while the by-law passed by the Licensing Commission is in effect in such area municipality.

Powers of
boards of
commissioners
of police to be
exercised
by City of
Toronto

175w. All the powers and duties of a board of commissioners of police under *The Municipal Act* or any other Act and all the powers and duties of the Board of Commissioners of Police for the City of Toronto under any special Act, except those which by this Act are exercised by the Licensing Commission or the Metropolitan Board of Commissioners of Police, shall hereafter be exercised by the council of the City of Toronto.

Application
of
R.S.O. 1950,
c. 243

175x. Sections 263 and 264 and Part XXI of *The Municipal Act* shall apply *mutatis mutandis* to the Licensing Commission and to the by-laws passed by the Licensing Commission, and the Licensing Commission shall fix the fees to be paid for any licence.

Organization

R.S.O. 1950,
c. 184

175y.—(1) The Licensing Commission shall be organized forthwith after this Act comes into force and, in addition to the powers that may be exercised and things done under section 5 of *The Interpretation Act*, the Licensing Commission may receive and process applications for licences for the year 1957 under its by-laws.

Remunera-
tion of
members

(2) The Metropolitan Corporation shall pay to the members of the Licensing Commission for their services in the year 1956 and thereafter such remuneration as may be determined by the Metropolitan Corporation.

1953, c. 73,
s. 184,
subs. 1,
amended

19. Subsection 1 of section 184 of *The Municipality of Metropolitan Toronto Act, 1953* is amended by inserting after "public parks" in the third line "zoological gardens", so that the subsection shall read as follows:

Acquiring
land for
parks, etc.

(1) The Metropolitan Council may pass by-laws for acquiring land for and establishing, laying out and improving and maintaining public parks, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Metropolitan Area or in any adjoining local municipality in the County of Ontario or the County of Peel or in any local municipality

in the County of York, and for exercising all or any of the powers which are conferred on boards of park management by *The Public Parks Act.*

R.S.O. 1950,
c. 314

20.—(1) Subsection 1 of section 186 of *The Municipality of Metropolitan Toronto Act, 1953*, c. 73, is amended by inserting<sup>s. 186,
subs. 1,</sup> after “public park” in the third and sixth lines respectively^{amended} “zoological gardens”, so that the subsection shall read as follows:

(1) For the purposes of section 184, the Metropolitan Council may with the approval of the Municipal Board by by-law assume any existing public park, zoological gardens, recreation area, square, avenue, boulevard or drive vested in any area municipality or in any local board thereof, and upon the passing of the by-law the public park, zoological gardens, recreation area, square, avenue, boulevard or drive shall vest in the Metropolitan Corporation.
*Assumption
of existing
parks, etc.*

(2) Subsection 2 of the said section 186 is amended by inserting after “public park” in the second line “zoological gardens”, so that the subsection, exclusive of the clauses, shall read as follows:

(2) Where the Metropolitan Corporation assumes any existing public park, zoological gardens, recreation area, square, avenue, boulevard or drive vested in any area municipality or local board thereof,
*Existing
debenture
liability*

21. *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following section:

186a.—(1) For the purposes of section 184, all land comprising Toronto Islands owned by the City of Toronto and all rights of the City of Toronto to use and occupy land comprising Toronto Islands owned by The Toronto Harbour Commissioners, except such portions of all such lands as are set aside and used or required for the purposes of the Toronto Island Airport, are hereby vested in the Metropolitan Corporation as of the 1st day of January, 1956, subject to the provisions of existing leases, and, subject to subsection 2, no compensation or damages shall be payable to the City of Toronto in respect thereof.
*Lands on
Toronto
Islands
transferred*

(2) The Metropolitan Corporation shall pay to the City of Toronto,
*Metropolitan
Corporation
liability*

- (a) before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued by the City of Toronto for the purposes of the land and rights vested by this section in the Metropolitan Corporation;
 - (b) the amount approved by the Municipal Board and expended by the City of Toronto, but not debentured, for shore protection of Algonquin Island;
 - (c) the amount approved by the Municipal Board and expended by the City of Toronto, but not debentured, for acquisition of leasehold interests and clearing of sites;
 - (d) such amount for personal property, exclusive of leaseholds, transferred to the Metropolitan Corporation as may be mutually agreed upon between the Metropolitan Corporation and the City of Toronto;
 - (e) the amount of the expenses incurred by the City of Toronto after the 1st day of January, 1956, with respect to the operation and maintenance of the land and rights vested by this section in the Metropolitan Corporation.
- (3) Where any portion of the land and rights vested by this section in the Metropolitan Corporation is being used by the City of Toronto for the purpose of providing municipal services other than park and recreation services, the City of Toronto may continue to use such portion rent free so long as it is required to provide such municipal services.
- (4) The Metropolitan Corporation shall pay to the City of Toronto annually such amount for the lighting, refuse collection and disposal services provided by the City of Toronto in respect of the land and rights vested by this section in the Metropolitan Corporation as may be mutually agreed upon between the Metropolitan Corporation and the City of Toronto.
- (5) If any of the land vested by this section in the Metropolitan Corporation and any land comprising Toronto Islands, which is hereafter conveyed by The Toronto Harbour Commissioners to the Metropolitan Corporation, ceases to be used for any of the purposes

Use by
City of
Toronto

Metropolitan
Corporation
liable for
lighting, etc.

Lands not
used for
park
purposes

of section 184, the Metropolitan Corporation shall thereupon transfer such land to the City of Toronto and no compensation or damages shall be payable to the Metropolitan Corporation in respect thereof; provided this subsection shall not apply to any land so long as it continues to be used as at present under any existing lease or renewal or extension thereof.

- (6) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued for the purposes of the land and rights vested by this section in the Metropolitan Corporation or of failure to agree as to the amount to be paid for the personal property transferred to the Metropolitan Corporation or as to the amount to be paid for lighting, refuse collection and disposal services provided by the City of Toronto, the Municipal Board, upon application, may determine the matter, and its decision shall be final.

Settling
of doubts

22.—(1) Section 214 of *The Municipality of Metropolitan Act, 1953*, c. 73, s. 214, amended is amended by adding thereto the following subsection:

- (1a) For the purposes of subsection 2 of section 492 of *The Municipal Act*, the by-laws of the Metropolitan Corporation or of any local board thereof shall be deemed to be by-laws passed by the council of a city.

(2) Subsection 4 of the said section 214 is repealed.

1953, c. 73,
s. 214,
subs. 4,
repealed

23. *The Municipality of Metropolitan Toronto Act, 1953*, c. 73, amended is amended by adding thereto the following sections:

214b.—(1) The Metropolitan Corporation may pass by-laws for acquiring land and erecting, maintaining and operating buildings, structures and machinery thereon for the purposes of dumping and disposing of garbage, refuse and domestic or industrial waste of any kind and for regulating the dumping and disposing of garbage, refuse and domestic or industrial waste of any kind upon such land and for charging a fee therefor.

(2) No by-law passed under subsection 1 shall be effective until approved by the council of the local municipality in which the land is to be acquired or the dumping and disposal operations are to be carried on.

Grants to
persons
engaged
in work
advan-
tageous to
Metropolitan
Area

214c. The Metropolitan Council may make annual grants not to exceed in the aggregate \$250,000 in any one year to institutions, associations and persons carrying on or engaged in works which in the opinion of the Metropolitan Council are for the general advantage of the inhabitants of the Metropolitan Area and for which grant or grants there is no express authority provided by any other Act.

1953, c. 73,
amended

24. *The Municipality of Metropolitan Toronto Act, 1953* is amended by adding thereto the following sections:

Municipal
buildings

226a.—(1) The Metropolitan Corporation or the Metropolitan Corporation and one or more area municipalities,

- (a) may acquire land for the purposes of constructing municipal buildings; and
- (b) may construct municipal buildings for the use of the Metropolitan Corporation or the Metropolitan Corporation and one or more area municipalities.

(2) Section 268 of *The Municipal Act* shall apply *mutatis mutandis* to any joint undertaking under this section.

Application
of R.S.O.
1950, c. 243

226b.—(1) The Metropolitan Corporation shall be deemed to be a municipality for the purposes of paragraphs 52 and 52a of section 386 of *The Municipal Act*.

Municipal
parking
lots

(2) The Metropolitan Corporation and The Corporation of the City of Toronto may enter into an agreement to provide for the operation by The Parking Authority of Toronto of any or all of the parking lots of the Metropolitan Corporation or the parking authority established by the Metropolitan Corporation.

Commencement

25.—(1) This Act, except as provided in subsections 2, 3 and 4, comes into force on the day it receives Royal Assent.

Idem

(2) Section 4 shall be deemed to have come into force on the 1st day of January, 1954.

Idem

(3) Sections 10, 16 and 21 shall be deemed to have come into force on the 1st day of January, 1956.

Idem

(4) Section 14, sections 175b, 175c, 175e, 175g, 175h, 175j, 175l to 175r and 175u to 175x of *The Municipality of Metropolitan Toronto Act, 1953* as enacted by section 18, subsection 2

of section 22, and section 214c of *The Municipality of Metropolitan Toronto Act, 1953* as enacted by section 23, come into force on the 1st day of January, 1957.

26. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1956*.
Short title

CHAPTER 54

An Act to amend The Niagara Development Act, 1951

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *f* of section 1 of *The Niagara Development Act, 1951*, c. 55, s. 1, cl. *f*,
is repealed and the following substituted therefor: re-enacted

(*f*) “works” includes all roads, plant, machinery, buildings, erections, constructions, installations, materials, devices, fittings, apparatus, appliances, equipment and other property for the development, generation, transformation, transmission, conveying, distribution, supply or use of power.

2. Subsection 1 of section 5 of *The Niagara Development Act, 1951*, c. 55, s. 5, subs. 1,
is amended by inserting after “‘the Department’”,^{s. 5, subs. 1, amended} in the eighth line “‘Her Majesty’” and by adding at the end thereof the words “and where land or property is taken compulsorily by the Commission, such taking shall be deemed to be for the public purposes of Ontario”, so that the subsection shall read as follows:

(1) In relation to all matters authorized by this Act, to have powers of Minister of Public Works
except acquisition from The Niagara Parks Commission, the Commission shall have and may exercise and enjoy, in addition to the powers conferred upon it by this and any other Act, all the powers conferred upon the Minister of Public Works in relation to a public work by *The Public Works Act*, and in the application of this section, where the words “the Minister”, “the Department”, “Her Majesty” or “the Crown” appear in that Act, they shall, where the context permits, mean the Commission, and where land or property is taken compulsorily by the Commission, such taking shall be deemed to be for the public purposes of Ontario.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Niagara Development Amendment Act, 1956*.

CHAPTER 55

**An Act to facilitate the Introduction into
Ontario of Natural Gas from Alberta by
means of an All-Canada Pipe Line**

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

WHEREAS the transportation of natural gas from Alberta to Central Canada is a vital necessity to supplement the energy resources available for the continued industrial growth of Ontario; and whereas the carriage of such gas through a pipe line situated entirely within the jurisdiction of Canada and running through Northern Ontario is in the public interest of Ontario;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. For the purpose of implementing the arrangements made or to be made between the Government of Canada and the Government of Ontario to facilitate the construction of a connecting link through Northern Ontario of a pipe line to transport natural gas from Alberta into Central Ontario, the Treasurer of Ontario is hereby authorized to loan from time to time out of the Consolidated Revenue Fund any sum of money, but not more than \$35,000,000, to a corporation constituted or to be constituted on behalf of Her Majesty in right of Canada and having as a purpose the construction aforesaid.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Northern Ontario Pipe Line Act, 1956*.

CHAPTER 56

**An Act to amend
The Ontario Food Terminal Act**

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 7 of *The Ontario Food Terminal Act* R.S.O. 1950, c. 261, s. 7, is repealed and the following substituted therefor: cl. *c*, re-enacted

(c) a sinking fund established by the Treasurer of Ontario for the repayment of securities guaranteed by the Treasurer of Ontario under subsection 1 of section 6 and for the retirement of any other indebtedness of the Board.

2. Section 15 of *The Ontario Food Terminal Act*, as enacted R.S.O. 1950, c. 261, s. 15 by section 5 of *The Ontario Food Terminal Amendment Act*, (1955, c. 5), 1955, is amended by striking out “not less than \$25 and” in amended the fifth and sixth lines, so that the section shall read as follows:

15. Every person who violates any of the provisions of *Penalties* this Act or the regulations or any rule made under this Act is guilty of an offence and on summary conviction is liable to a penalty of not more than \$50 for a first offence and to a penalty of not more than \$200 or to imprisonment for a term of not more than thirty days, or both, for any subsequent offence.

3. This Act comes into force on the day it receives Royal *Commencement* Assent.

4. This Act may be cited as *The Ontario Food Terminal* *Short title* *Amendment Act, 1956.*

CHAPTER 57

An Act to amend The Ontario Fuel Board Act, 1954

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Ontario Fuel Board Act, 1954* is repealed <sup>1954, c. F-63,
s. 1, re-enacted</sup> and the following substituted therefor:

1. In this Act, Interpre-
tation

- (a) “appliance” means any device that utilizes gas to produce light, heat or power;
- (b) “Board” means Ontario Fuel Board;
- (c) “distributor” means a person who is engaged in the business of supplying liquefied petroleum gas by a means other than a pipe line;
- (d) “gas” means natural gas, manufactured gas or liquefied petroleum gas or any mixture of any of them;
- (e) “gas utility” means a person engaged in the distribution of gas by means of a pipe line system;
- (f) “inspector” means inspector appointed under this Act;
- (g) “installer” means a person who is engaged in the business of installing, repairing or servicing appliances and piping;
- (h) “natural gas” includes any mixture of natural gas and manufactured gas, or natural gas and any liquefied petroleum gas;
- (i) “owner” includes a tenant or occupant;

R.S.O. 1950,
c. 184

- (j) "person", in addition to its meaning in *The Interpretation Act*, includes a municipality;
- (k) "piping" means the gas piping in the premises of an ultimate consumer of gas, and includes the piping from a pressure vessel containing liquefied petroleum gas to an appliance;
- (l) "prospect" means to bore, drill, dig or sink a well or to conduct any topographical, geo-physical or sub-surface survey in Cambrian or later rock;
- (m) "regulations" means regulations made under this Act;
- (n) "vent" means a conduit or passageway for conveying the products of combustion from an appliance to the outer air;
- (o) "well" means a well bored, drilled or dug or a shaft sunk in Cambrian or later rock for any purpose other than for a water supply.

1954, c. 63,
s. 10,
amended

2. Section 10 of *The Ontario Fuel Board Act, 1954* is amended by striking out "the Consolidated Revenue Fund" in the second line and inserting in lieu thereof "such moneys as are appropriated therefor by the Legislature", so that the section shall read as follows:

Money

10. The moneys required for the purposes of the Board shall be paid out of such moneys as are appropriated therefor by the Legislature.

1954, c. 63,
s. 16, subs. 3,
amended

3.—(1) Subsection 3 of section 16 of *The Ontario Fuel Board Act, 1954*, as amended by section 3 of *The Ontario Fuel Board Amendment Act, 1955*, is further amended by striking out "distributor" in the third line and inserting in lieu thereof "gas utility", so that the subsection shall read as follows:

Hearing

(3) No order shall be made under subsection 1 without a hearing unless the municipality or other interested party and the gas utility concerned consent thereto, but the Board may, without a hearing and without consent, make an order under subsection 1, other than an order increasing rates, effective for a period of not more than one year pending the final disposition of the application thereunder.

1954, c. 63,
s. 16,
amended

(2) The said section 16 is amended by adding thereto the following subsection:

- (5) Every gas utility shall make available to the Board, upon demand therefor, the information, financial statements and other material that the Board at any time may require for its purposes and that in the opinion of the Board pertain to the rates, meter rentals or other charges paid to the gas utility by ultimate consumers of natural gas.

4. Section 17 of *The Ontario Fuel Board Act, 1954* is amended by inserting after "it" in the third line "under this Act or any other Act", so that the section shall read as follows:

17. The Board may at any time and from time to time rehear or review any application before deciding it and may by order rescind, change, alter or vary any order made by it under this Act or any other Act, or made under *The Fuel Supply Act*, *The Natural Gas Conservation Act* or *The Well Drillers Act*.

5. Section 30 of *The Ontario Fuel Board Act, 1954*, as enacted by section 4 of *The Ontario Fuel Board Amendment Act, 1955*, is amended by adding "or" at the end of clause and by adding thereto the following clause:

- (d) distribute liquefied petroleum gas by a means other than a pipe line.

6. Section 31 of *The Ontario Fuel Board Act, 1954* is repealed and the following substituted therefor:

- 31.—(1) No person shall use 400,000 cubic feet or more of natural gas in any year for industrial purposes unless he is the holder of a permit for such purposes.

- (2) No gas utility shall supply natural gas to an ultimate consumer using less than 400,000 cubic feet in any year for industrial purposes unless the gas utility is the holder of a permit to supply natural gas for such purposes.

- 31a.—(1) No gas utility shall knowingly supply gas to an appliance unless the appliance, piping, fittings and vent comply with the regulations.

- (2) No person shall sell or install any appliance that does not bear the seal of approval of an organization designated in the regulations.

- (3) No person other than a registered installer shall install, repair or service any appliance or piping.

1954, c. 63,
S. 35, re-
enacted

7. Section 35 of *The Ontario Fuel Board Act, 1954*, as amended by section 5 of *The Ontario Fuel Board Amendment Act, 1955*, is repealed and the following substituted therefor:

Regulations

- 35.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Board may make regulations,
- (a) regulating and controlling the construction, erection, alteration, installation, removal or acquisition of works, pipe lines, plant, machinery or equipment for the production, storage, transmission, distribution or measurement of gas;
 - (b) prescribing classes of appliances, piping, fittings or vents, or any of them, and regulating and controlling the types, construction, installation, repair, maintenance, replacement, use or removal of them or any class of them;
 - (c) regulating and controlling the installation or use of pressure vessels containing liquefied petroleum gas and the piping and fittings thereof;
 - (d) limiting, restricting or taking away any rights to the use and consumption of natural gas without charge or at a reduced rate;
 - (e) designating any area as a natural gas storage area in respect of any geological formation or formations for the injection, storage and removal of natural gas and for prohibiting therein drilling or boring or sinking or operating shafts or wells of any kind without the consent of the Board;
 - (f) requiring dry and abandoned wells to be plugged and protected and prescribing the methods and requirements to be observed in plugging and protecting such wells;
 - (g) respecting the method of boring, drilling, digging or sinking wells, and the protection of wells during such operations;
 - (h) regulating and controlling the location and spacing of wells;
 - (i) for the conservation of natural gas and oil;
 - (j)

(j)

- (j) requiring persons who prospect to furnish such reports, returns, geological and other information and samples as may be prescribed;
- (k) providing for the issue of licences for machines for boring or drilling wells;
- (l) providing for the issue of licences to acquire oil or gas rights, or to prospect, or to bore, drill, dig or sink a well, or to produce oil or natural gas, or to store, or to transmit, or to distribute natural gas, or to distribute liquefied petroleum gas by a means other than a pipe line;
- (m) prescribing classes of appliances and providing for the issue of permits for the installation of any such class;
- (n) providing for the issue of permits for the use of natural gas for industrial purposes;
- (o) providing for and requiring the registration of meters for the measurement of natural gas consumed by ultimate consumers;
- (p) providing for and requiring the registration of installers;
- (q) designating organizations to test appliances, piping, fittings and vents to specifications approved by the Board, and to indicate their approval of an appliance by placing a seal of approval thereon;
- (r) requiring the use of piping, fittings and vents approved by an organization designated under clause q;
- (s) prescribing the terms and conditions upon which any licence or permit may be issued or any registration made;
- (t) prescribing the fee payable for any licence, permit or registration, or any renewal thereof;
- (u) providing for the renewal, suspension or cancellation of any licence, permit or registration;
- (v) requiring and prescribing the form of and the particulars to be contained in annual or other

returns to the Board by persons producing, storing, transmitting or distributing gas or oil;

- (w) prescribing rules of practice and procedure applicable to proceedings before the Board under this or any other Act, the form of documents to be used in such proceedings and the fees payable therein and for certified copies of documents;
- (x) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**Adoption
of code**

- (2) Any regulation made under clause *a* or *b* of subsection 1 may adopt by reference, in whole or in part, or with such changes as the Board considers necessary, any code of standards adopted, sponsored or made by the Canadian Gas Association, the Canadian Standards Association, the American Gas Association, the National Fire Protection Association or the Dominion Board of Insurance Underwriters and may require compliance with any such code that is so adopted.

Approval

- (3) If a code referred to in subsection 2 is adopted, the Board may exercise, or delegate to any person, any power of approval given to any person or authority by the Code.

Application

- (4) Any regulation made under this section may be general or particular in its application territorially or as to time or otherwise.

**1954, c. 63,
s. 36,
amended**

8. Section 36 of *The Ontario Fuel Board Act, 1954* is amended by adding thereto the following subsection:

Idem

**R.S.O. 1950,
c. 243**

- (3) In the event of conflict between any regulation and any by-law passed under paragraph 124 of subsection 1 of section 388 of *The Municipal Act*, the regulation prevails.

**Permit
fees for 1956**

9. The Board may refund fees paid in 1956 for permits for the installation of appliances for the use of natural gas or for the use of natural gas for industrial purposes or may credit the money so paid against the fees for registrations required in 1956.

**Commence-
ment**

10.—(1) Except as provided in subsections 2, 3 and 4, this Act comes into force on the day it receives Royal Assent.

(2) Section 31, as re-enacted by section 6, and clause ^o~~I~~dem of subsection 1 of section 35, as re-enacted by section 7, of *The Ontario Fuel Board Act, 1954* shall be deemed to have come into force on the 1st day of January, 1956.

(3) Section 2 comes into force on the 1st day of April, 1957. ^I~~Idem~~

(4) Section 30, as amended by section 5, and subsections ²~~I~~dem and 3 of section 31a, as enacted by section 6, of *The Ontario Fuel Board Act, 1954* come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

11. This Act may be cited as *The Ontario Fuel Board Amendment Act, 1956*. ^{Short title}

CHAPTER 58

An Act to amend The Ontario Highway Transport Board Act, 1955

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ontario Highway Transport Board Act, 1955* is ^{1955, c. 54,} amended by adding thereto the following sections:

2a. A vacancy in membership of the Board or the absence ^{Powers of Board on} or inability of a member to act does not impair the ^{vacancy} powers of the Board or of the remaining members who may exercise all the jurisdiction and powers of the Board.

5a. Unless otherwise authorized by statute or the rules ^{Attendance to duties} of the Assembly or the Lieutenant-Governor in Council, the members of the Board shall devote the whole of their time to the performance of their duties as members of the Board, and shall not accept or hold any office or employment inconsistent with such duties.

2. Section 7 of *The Ontario Highway Transport Board Act, 1955*, ^{1955, c. 54,} s. 7, repealed

3. Section 10 of *The Ontario Highway Transport Board Act, 1955* is repealed and the following substituted therefor: ^{1955, c. 54,} s. 10, re-enacted

10. Every order and certificate made by the Board is ^{Execution of documents} effective if signed by two members of the Board, one of whom is the chairman or the vice-chairman of the Board, and every other document made or issued by the Board is effective if signed by a member of the Board.

4. *The Ontario Highway Transport Board Act, 1955* is ^{1955, c. 54,} amended by adding thereto the following section:

Power to
determine
law and fact

12a. The Board shall as to all matters within its jurisdiction under this Act have authority to hear and determine all questions of law or of fact.

Commencement

5.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent.

Idem

(2) Section 2 comes into force on the 1st day of April, 1957.

Short title

6. This Act may be cited as *The Ontario Highway Transport Board Amendment Act, 1956*.

CHAPTER 59

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Lieutenant-Governor in Council is hereby authorized Loans up to \$100,000,000 authorized to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any such indebtedness or obligation, and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and sold for the purpose of raising any loan authorized by this Act together with the amount of any temporary loans raised under this Act, to the extent that such temporary loans are from time to time outstanding or have been paid from the proceeds of securities issued and sold for the purpose of such payment, shall not exceed in the whole \$100,000,000.
2. Any such sum or sums may be raised in any manner Idem provided by *The Financial Administration Act, 1954*, and 1954, c. 30 shall be raised upon the credit of the Consolidated Revenue Fund and shall be chargeable thereupon.
3. This Act comes into force on the day it receives Royal Commencement Assent.
4. This Act may be cited as *The Ontario Loan Act, 1956*. Short title

CHAPTER

CHAPTER 60

An Act to amend The Ontario Municipal Board Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of subsection 1 of section 1 of *The Ontario Municipal Board Act* R.S.O. 1950, c. 262, s. 1, is repealed and the following substituted therefor: subs. 1, cl. *c*, re-enacted

(*c*) "municipality" means the corporation of a county, city, town, village, township or improvement district and includes a local board thereof and a board, commission or other local authority exercising any power with respect to municipal affairs or purposes, including school purposes, in an unorganized township or unsurveyed territory.

2. Subsection 2 of section 5 of *The Ontario Municipal Board Act* R.S.O. 1950, c. 262, s. 5, is repealed and the following substituted therefor: subs. 2, re-enacted

(2) The Lieutenant-Governor in Council shall appoint Appointments the members of the Board and shall appoint one member as chairman and may appoint one vice-chairman or more.

3. Section 8 of *The Ontario Municipal Board Act* is repealed R.S.O. 1950, c. 262, s. 8, and the following substituted therefor: re-enacted

8. Where,

Absence,
etc., of
chairman

(*a*) the chairman is absent or unable to act, a vice-chairman designated by the chairman; or

(*b*) the office of chairman is vacant, a vice-chairman designated by the Minister of Municipal Affairs,

shall have and exercise the jurisdiction and powers of the chairman, including the power to complete any unfinished matter.

R.S.O. 1950,
c. 262, s. 9,
amended

4. Section 9 of *The Ontario Municipal Board Act* is amended by striking out "or of the chairman and the other vice-chairman, as the case may be" in the fourth and fifth lines, so that the section shall read as follows:

Presumption
of having
duly acted

9. Whenever it appears that a vice-chairman has acted for and instead of the chairman, it shall conclusively be presumed that he has so acted in the absence or disability of or vacancy in the office of the chairman.

R.S.O. 1950,
c. 262, s. 11,
subs. 2,
amended

5. Subsection 2 of section 11 of *The Ontario Municipal Board Act* is amended by striking out "the chairman or a vice-chairman" in the second and third lines and inserting in lieu thereof "any member of the Board or the secretary of the Board or any officer of the Board designated by the Lieutenant-Governor in Council as a signing officer", so that the subsection shall read as follows:

Signature
of orders,
etc.

(2) All orders, rules, regulations, certificates and other documents made or issued by the Board may be signed by any member of the Board or the secretary of the Board or any officer of the Board designated by the Lieutenant-Governor in Council as a signing officer.

R.S.O. 1950,
c. 262, ss. 15,
30-32, 34,
repealed

6. Sections 15, 30, 31, 32 and 34 of *The Ontario Municipal Board Act* are repealed.

R.S.O. 1950,
c. 262, s. 60,
subs. 2,
amended

7. Subsection 2 of section 60 of *The Ontario Municipal Board Act* is amended by adding at the end thereof "or to a consolidating by-law if every by-law consolidated was finally passed at least thirty days before certification", so that the subsection shall read as follows:

Exception

(2) This section shall not apply to any debenture authorized under clause *d* of subsection 1 of section 56 or to a consolidating by-law if every by-law consolidated was finally passed at least thirty days before certification.

R.S.O. 1950,
c. 262, s. 66,
amended

8. Section 66 of *The Ontario Municipal Board Act* is amended by adding thereto the following subsection:

Public
hearing not
required
where
additional
expenditure
approved

(2a) Notwithstanding subsection 2, where the Board has approved an expenditure for any purpose, it may, without holding a public hearing, dispense with the assent of the electors of a municipality or of those qualified to vote on money by-laws and approve additional expenditures for the same purpose not in excess of 25 per cent of the original expenditure approved.

9. Subsection 1 of section 83 of *The Ontario Municipal Board Act* R.S.O. 1950, c. 262, s. 83, amended by striking out "the chairman or a vice-chairman and the secretary, or by any of them" in the first, second and third lines and inserting in lieu thereof "a member of the Board or the secretary or a signing officer of the Board", so that the subsection shall read as follows:

- (1) Every document purporting to be signed by a member of the Board or the secretary or a signing officer of the Board, or by an inspecting engineer, shall, without proof of the signature, be *prima facie* evidence that the document was duly signed, and shall be sufficient notice to the company and all parties interested, if served in the manner provided by section 79 for service of notice, that the document was duly signed and issued by the Board, or inspecting engineer, as the case may be.

10. Subsection 7 of section 98 of *The Ontario Municipal Board Act* R.S.O. 1950, c. 262, s. 98, amended by striking out "section 97" in the first line and inserting in lieu thereof "sections 46 and 97", so that the subsection shall read as follows:

- (7) Save as provided in this section and in sections 46 and 97, ^{Decisions of Board to be final}
- (a) every decision or order of the Board shall be final; and
 - (b) no order, decision or proceeding of the Board shall be questioned or reviewed, restrained or removed by prohibition, injunction, *certiorari* or any other process or proceeding in any court.

11.—(1) This Act, except sections 5, 6 and 9, comes into force on the day it receives Royal Assent. ^{Commencement}

(2) Sections 5 and 9 shall be deemed to have come into force on the 1st day of January, 1956. ^{Idem}

(3) Section 6 comes into force on the 1st day of April, 1957. ^{Idem}

12. This Act may be cited as *The Ontario Municipal Board Amendment Act, 1956*. ^{Short title}

CHAPTER 61

An Act to establish the Ontario Parks Integration Board

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) There is hereby constituted on behalf of Her ^{Board} _{constituted} Majesty in right of Ontario a corporation without share capital under the name “Ontario Parks Integration Board”, herein called the Board.

(2) The Board shall be composed of the chairman of The ^{Composition} Niagara Parks Commission, the chairman of The Ontario-St. Lawrence Development Commission, the Treasurer of Ontario, the Minister of Lands and Forests, the Minister of Planning and Development and their successors in office from time to time.

2. The Lieutenant-Governor in Council may designate one ^{Chairman} of the members of the Board as chairman and one of the members as vice-chairman.

3. The members of the Board shall not be entitled to ^{No re-} receive any remuneration or other compensation for their _{muneration} services.

4. Notwithstanding *The Legislative Assembly Act*, any ^{Member of} _{Assembly} R.S.O. 1950, c.202 member of the Assembly may act as a member of the Board without thereby vacating or forfeiting his seat or incurring any other penalty for sitting or voting as a member of the Assembly.

5. A majority of the members of the Board constitutes a ^{Quorum} quorum.

6. The Board may pass such by-laws as in its opinion are ^{By-laws} appropriate for the carrying out of its objects and the transaction of its affairs.

7. It is the function of the Board and it has power, ^{Function}

(a) to establish integrated policies of management and development of the provincial parks and the parks

under

under the jurisdiction of The Niagara Parks Commission and The Ontario-St. Lawrence Development Commission;

- (b) to apportion and distribute such moneys as accrue to it for any of the purposes of the provincial parks and the parks under the jurisdiction of The Niagara Parks Commission and The Ontario-St. Lawrence Development Commission in such amounts and in such manner as appear to it to be appropriate.

Water rentals

8. Notwithstanding any other Act, the Lieutenant-Governor in Council may from time to time allocate to the Board all or any part of the moneys accruing to the Crown in right of Ontario or any agency thereof from water rentals and thereupon the moneys so allocated shall be paid over to the Board.

Books of account

9. The Board shall cause books to be kept and true and regular accounts to be entered therein of all moneys received and paid, and such books shall be open to the inspection of any member of the Board, the Treasurer of Ontario or any person appointed by the Board or Treasurer for that purpose, and any such person may make copies of or take extracts from the books.

Security by officers

10. Every person who is entrusted by the Board with the custody or control of money in the course of his employment shall give security in the manner and form provided by *The Public Officers Act*.

Audit

11. The books and records of the Board shall be examined annually by the Provincial Auditor or such other auditor as the Lieutenant-Governor in Council designates.

Annual report

12.—(1) The Board shall make a report annually to the Treasurer of Ontario containing such information as he may require.

Idem

(2) A copy of the report shall be filed with the Provincial Secretary who shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session.

1953, c. 19
not applicable

13. *The Corporations Act, 1953* as amended from time to time does not apply to the Board.

Commencement

14. This Act comes into force on the 1st day of April, 1956.

Short title

15. This Act may be cited as *The Ontario Parks Integration Board Act, 1956*.

CHAPTER 62

An Act to establish the Ontario Water Resources Commission

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tion

- (a) "Commission" means Ontario Water Resources Commission;
- (b) "land" includes any estate, term, easement, right or interest in, to, over or affecting land;
- (c) "Minister" means the member of the Executive Council designated by the Lieutenant-Governor in Council to administer this Act;
- (d) "municipality", with reference to a municipality that operates a waterworks under the management of its council, means the council, with reference to a municipality that operates a waterworks under the management of a commission, means the commission, and, with reference to a municipality in which the waterworks is under the management of a company, means the company.

2. The Lieutenant-Governor in Council may from time to time designate a member of the Executive Council to administer this Act.

Responsible
Minister

3.—(1) There is hereby constituted on behalf of Her Majesty in right of Ontario a corporation without share capital under the name "Ontario Water Resources Commission" which shall be composed of not fewer than three and not more than five persons as the Lieutenant-Governor in Council from time to time determines.

Commission
constituted

(2) The members of the Commission shall be appointed by the Lieutenant-Governor in Council and one of them shall

be

be designated as chairman and one of them may be designated as vice-chairman.

Vacancies

4. The Lieutenant-Governor in Council may from time to time fill any vacancy in the membership of the Commission.

Quorum

5. A majority of the members of the Commission constitutes a quorum.

Remuneration

6. The chairman, the vice-chairman, if any, and the other member or members, as the case may be, of the Commission shall receive such remuneration for their services as the Lieutenant-Governor in Council determines.

**Officers
and
employees**

7. The Commission may appoint and employ upon such terms of employment as it deems desirable a secretary and such other officers and employees as it deems requisite.

**Security
by
officers**

8. Every person who is entrusted by the Commission with the custody or control of money in the course of his employment shall give security in the manner and form provided by *The Public Officers Act*.

R.S.O. 1950,
c. 311

**Administrative
expenses**

9. The administrative expenses of the Commission, including the remuneration, salaries and expenses of the members of the Commission, its officers and employees, may be paid out of such moneys as are appropriated therefor by the Legislature, or out of such moneys as accrue from the operations of the Commission, or out of moneys borrowed under this Act.

Function

10. It is the function of the Commission and it has power,

- (a) to develop and make available supplies of water;
- (b) to construct and operate systems for the supply, purification and distribution of water and for the disposal of sewage;
- (c) to enter into agreements with respect to the supply of water or the disposal of sewage;
- (d) to conduct research programmes and to prepare statistics for its purposes;
- (e) to perform such other functions or discharge such other duties as may be assigned to it from time to time by the Lieutenant-Governor in Council.

**Issue of
securities**

11.—(1) With the approval of the Lieutenant-Governor in Council, the Commission may borrow money to meet its indebtedness accruing due, or for purchasing or otherwise

acquiring

acquiring real or personal property, or making improvements, or for any other purpose of the Commission, and may issue bonds, debentures, notes or other securities to provide for the repayment of any moneys so borrowed, and such securities may be payable at such time and in such manner and at such place or places in Canada or elsewhere and may bear such interest as the Commission may deem proper.

(2) The Lieutenant-Governor in Council may authorize the Treasurer of Ontario for and on behalf of Ontario to guarantee the payment of any securities issued by the Commission for any of the purposes mentioned in subsection 1.

12. The Commission may for its purposes exercise any or all of the powers that are conferred by any general Act upon a municipal corporation or a local board thereof respecting the establishment, construction, maintenance, operation, improvement or extension of a waterworks system.

13.—(1) The Commission may for its purposes acquire by purchase, lease or otherwise, or, without the consent of the owner, enter upon, take possession of, expropriate and use land, and develop and improve such land, and, upon such terms as it deems proper, sell, lease or dispose of any such land as in its opinion is no longer necessary for its purposes.

(2) The Commission in the exercise of its powers to take land compulsorily has all the powers conferred by *The Public Works Act* on the Minister of Public Works in relation to a public work, and in the application of this section where the words "the Minister", "the Department" or "the Crown" appear in such Act they, where the context permits, mean the Commission, and the taking of such land by the Commission shall be deemed to be for the public purposes of Ontario.

(3) The Commission shall proceed in the manner provided by *The Public Works Act* where the Minister of Public Works enters upon, takes or uses land or property for the public purposes of Ontario and all the provisions of that Act apply *mutatis mutandis*.

(4) Upon the deposit in the proper registry or land titles office of a plan and description of the land required by the Commission, signed by the chairman of the Commission and by an Ontario land surveyor, the land so described thereupon vests in the Commission.

14.—(1) Any municipality may apply to the Commission for the transmission to the municipality of a supply of water for the uses of the municipality and its inhabitants and the Commission may thereupon furnish to the municipality,

- (a) estimates of the cost of providing the supply of water applied for;
- (b) a statement of the terms and conditions upon which such supply of water can be transmitted and supplied; and
- (c) a form of the contract to be entered into between the municipality and the Commission for such supply of water.

No liability for errors, etc.

(2) Neither the Commission nor the Province of Ontario incurs any liability to any municipality or person by reason of any error or omission in any estimates or statement furnished under subsection 1.

Delivery of water

(3) The municipality and the Commission may execute the contract and thereupon the Commission may proceed to transmit and deliver to the municipality a supply of water in accordance with the terms of the contract.

Annual payments

(4) Included in the unit price payable by a municipality to the Commission under a contract entered into under this section shall be an amount representing the municipality's proportion of the following charges:

1. Interest at the rate actually paid by the Commission upon the moneys expended by the Commission on capital account in the construction or purchase of the works constructed or acquired for the purpose of carrying out its obligations under the contract.
2. A sum sufficient to form in such number of years as may be fixed by the Lieutenant-Governor in Council a fund sufficient to pay the cost of the works mentioned in item 1.
3. The cost of operating, maintaining, repairing, removing and insuring the works mentioned in item 1.
4. The cost of administration of the Commission.

Apportionment of amount

(5) The accountant of the Commission shall adjust and apportion annually the amount that is payable to the Commission under subsection 4.

Application of s. 14 extended

15. Section 14 applies *mutatis mutandis* to an application and contract with respect to the disposal of sewage and where a person is the applicant for a contract.

16. The books and records of the Commission shall be ^{Audit} examined annually by the Provincial Auditor or such other auditor as the Lieutenant-Governor in Council designates.

17.—(1) The Commission shall make a report annually ^{Annual report} to the Minister containing such information as the Minister may require.

(2) A copy of the report shall be filed with the Provincial ^{Idem} Secretary who shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session.

18. *The Corporations Act, 1953*, as amended from time to ^{1953, c. 19} time, does not apply to the Commission. ^{not applicable}

19. This Act comes into force on the day it receives Royal ^{Commencement} Assent.

20. This Act may be cited as *The Ontario Water Resources Commission Act, 1956*. ^{Short title}

CHAPTER 63

An Act to regulate the Use of Pesticides

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) "board of health" means a local board of health within the meaning of *The Public Health Act* or a person given the power of a local board of health under that Act; *New.* R.S.O. 1950, c. 306
- (b) "extermination" means the destruction or control of insects, vermin, birds, rodents or other pests, fungi or vegetation in a building or vehicle or on land by the use of any substance prescribed by the regulations;
- (c) "exterminator" means any person who, by himself or by his employees, assistants or agents, carries out an extermination; R.S.O. 1950, c. 306, s. 1, cls. (d, e), amended.
- (d) "licence" means a licence issued under the regulations;
- (e) "medical officer of health" means a medical officer of health within the meaning of *The Public Health Act*;
- (f) "Minister" means Minister of Health;
- (g) "regulations" means regulations made under this Act. *New.*

2.—(1) No exterminator shall engage in, perform or offer to perform an extermination unless he is licensed or exempt under the regulations. R.S.O. 1950, c. 306, s. 77 (1, 2), amended.

(2) No person shall serve as an employee of an exterminator for a period longer than six months unless he is licensed as an assistant exterminator or exempt under the regulations. *New.* When employees to be licensed

Responsibility of exterminator

3. Every exterminator shall with respect to an extermination be responsible for the acts or omissions of his employees, assistants or agents during the periods of extermination and airing-out. R.S.O. 1950, c. 306, s. 77 (3), *amended*.

Liability insurance

4. An exterminator shall insure against liability or furnish a bond as provided by the regulations. *New*.

Municipal by-laws

5.—(1) The council of any municipality may pass by-laws respecting extermination not inconsistent with this Act and the regulations.

Fee for permit

(2) Any such by-law may require a fee of \$1 to be paid to the municipality for every permit for extermination issued under the regulations.

Approval

(3) No by-law passed under this section has effect until approved by the Minister. R.S.O. 1950, c. 306, s. 78 (1, 2), *amended*.

Appointment of inspectors

6. The council of every municipality shall appoint such inspectors as the Minister may deem necessary to administer and enforce the provisions of this Act, the regulations and any by-law respecting extermination. R.S.O. 1950, c. 306, s. 78 (2), *amended*.

Notice of extermination

7.—(1) At least twenty-four hours before commencing an extermination with a poisonous gas designated by the regulations, the exterminator shall deliver a notice in writing,

(a) to every occupant over eighteen years of age in the building or vehicle or on the land where the extermination is to be carried out; and

(b) to at least one occupant over eighteen years of age,

(i) of every building adjoining the building where the extermination is to be carried out, and

(ii) of every building so located that the extermination constitutes an actual or potential hazard to its occupants. R.S.O. 1950, c. 306, s. 79 (1), *amended*.

(2) Every such notice shall state,

(a) the address where the extermination is to be carried out;

(b) that there is danger of poisonous gas;

(c)

Contents of notice

- (c) the date and day of the week when it is proposed to commence the extermination;
- (d) that occupants are to vacate and remain out of the buildings, vehicles or lands during the periods of extermination and airing-out; and
- (e) such other information as may be prescribed by the regulations. R.S.O. 1950, c. 306, s. 79 (2), *amended*.

(3) The exterminator shall ensure that the buildings, vehicles or lands referred to in this section are unoccupied during the periods of extermination and airing-out. *New.*

8. Any officer of the Department of Health or a board of health may at any time enter any building, vehicle or land where he has reason to believe that an extermination has been, is being or is about to be carried out. *New.*

9. Where an officer of the Department of Health or a board of health requests that he be given the chemical composition of any substance that has been, is being or is about to be used for an extermination, the person performing the extermination shall forthwith furnish the information so requested. *New.*

10. The Minister, with the approval of the Lieutenant-Governor in Council, may make regulations,

- (a) prescribing the qualifications of exterminators and assistant exterminators and providing for the examination of applicants for licences as exterminators and assistant exterminators; R.S.O. 1950, c. 306, s. 5, cl. (z), *part, amended*.
- (b) providing for different classes of exterminators, the issue and renewal of licences to exterminators and to assistant exterminators in each class, the fees therefor, and the terms upon which licences may be issued, renewed, suspended or cancelled; R.S.O. 1950, c. 306, s. 5, cl. (x), *amended*.
- (c) requiring applicants for licences as exterminators or assistant exterminators to undergo a medical examination; *New.*
- (d) prescribing the procedures and conditions for exterminations and for the airing-out of buildings or vehicles; R.S.O. 1950, c. 306, s. 5, cl. (z), *part, amended*.

(e)

- (e) exempting any person or class of persons from this Act and the regulations or any provision thereof; 1953, c. 87, s. 2.
- (f) fixing the amount and type of insurance or bond that shall be carried or furnished by an exterminator and prescribing the form, requirements and terms thereof; R.S.O. 1950, c. 306, s. 5, cl. (y), *amended*.
- (g) providing for the issue of permits by the medical officer of health for exterminations and the terms upon which permits may be issued, refused or cancelled; R.S.O. 1950, c. 306, s. 5, cl. (za), *amended*.
- (h) prescribing the form and contents of the notice under section 7; *New*.
- (i) prescribing and classifying into groups the substances that may be used in exterminations and prohibiting any class of exterminator from using one or more of the groups of substances;
- (j) exempting any type or class of building, vehicle or land from this Act and the regulations or any provision thereof; R.S.O. 1950, c. 306, s. 5, cls. (zb, zc), *amended*.
- (k) regulating the installation, operation and use of any machine, apparatus or equipment used for an extermination;
- (l) regulating the construction of any enclosed space or vault in which movable property may be placed during the periods of extermination and airing-out; and
- (m) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. *New*.

Penalty

11.—(1) Every person who contravenes any provision of this Act or the regulations is guilty of an offence and on summary conviction is liable for a first offence to a penalty of not less than \$10 and not more than \$100, and for a second or subsequent offence to a penalty of not less than \$50 and not more than \$1,000 or to imprisonment for a term of not more than three months, or both.

Suspension
of licence

(2) Where an exterminator or assistant exterminator is convicted under subsection 1, in addition to the penalties therein provided the magistrate making the conviction may

make

make an order suspending the licence of an exterminator or assistant exterminator for a period of not more than six months.

(3) The magistrate shall cause a copy of every order made under subsection 2 to be sent to the Minister. *New.* Minister to receive copy of order

12. This Act comes into force on a day to be named by Commencement the Lieutenant-Governor by his Proclamation.

13. This Act may be cited as *The Pesticides Act, 1956.* Short title

CHAPTER 64

An Act to amend The Planning Act, 1955

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Planning Act, 1955* is amended by ^{1955, c. 61,} _{s. 4,} ^{amended} adding thereto the following subsection:

(1a) In subsection 1, “employees” does not include ^{Interpre-} teachers employed by a board of education or school _{tation} board.

2. This Act comes into force on the day it receives Royal ^{Commencement} Assent.

3. This Act may be cited as *The Planning Amendment* ^{Short title} *Act, 1956.*

CHAPTER 65

An Act to amend The Police Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 27 of *The Police Act* is repealed R.S.O. 1950,
and the following substituted therefor: c. 279, s. 27,
subs. 1,
re-enacted

(1) When requested in writing by a majority of the full-time members of the police force, the council of the municipality, or where there is a board, the board, shall within 120 days after receipt of the request commence to bargain in good faith with a bargaining committee of the members of the police force for the purpose of making an agreement in writing defining, determining and providing for remuneration, pensions, sick leave credit gratuities or working conditions of the members of the police force, other than the chief constable and any deputy chief constable, except such working conditions as may be governed by any regulations made by the Lieutenant-Governor in Council under this Act. Bargaining

2. Subsection 2 of section 28 of *The Police Act* is amended R.S.O. 1950,
by striking out "a reasonable time" in the second and fourth c. 279, s. 28,
lines respectively and inserting in lieu thereof "thirty days", subs. 2,
so that the subsection shall read as follows: amended

(2) Where either party fails to appoint a member of the board of arbitration within thirty days, or having appointed a person who is unable or unwilling to act, fails to appoint another member within thirty days, the Attorney-General may, upon the written request of the other party, appoint a member in lieu thereof. Failure to appoint member

3. Section 29 of *The Police Act* is repealed and the following R.S.O. 1950,
substituted therefor: c. 279, s. 29,
re-enacted

29.—(1) In the case of a police force having fewer than five members, where after bargaining under section 27 Arbitrator

the

the council of the municipality or where there is a board, the board, or the bargaining committee is or are satisfied that an agreement cannot be reached, it or they, as the case may be, may by notice in writing to the other party require all matters in dispute to be referred to a single arbitrator who shall be appointed by the parties.

Failure to appoint arbitrator

- (2) Where the parties fail to appoint an arbitrator within thirty days after receipt of the notice mentioned in subsection 1, the Attorney-General may, upon the written request of either of the parties, appoint the arbitrator.

Costs

- (3) The parties shall share equally the cost of the arbitration proceedings and the cost of the arbitrator.

Commencement and termination of arbitration proceedings

- 29a. The board of arbitration or arbitrator, as the case may be, shall commence the arbitration proceedings within thirty days after it is constituted or he is appointed and shall deliver the decision or award within sixty days after the commencement of the arbitration proceedings.

Extension of periods

- 29b. Any of the periods mentioned in sections 27, 28, 29 and 29a may be extended at any time by agreement of the parties or by the Attorney-General.

Agreements to contain arbitration provision

- 29c.—(1) Every agreement made under section 27 shall provide for the final and binding settlement by arbitration of all differences between the parties arising from the interpretation, application or administration of the agreement, including any question as to whether a matter is arbitrable, or of any decision or award made under section 28 or 29, or arising from any alleged violation of the agreement or of any decision or award.

Idem

- (2) Where the agreement does not contain such a provision as is mentioned in subsection 1 and a difference arises between the parties relating to any matter mentioned in subsection 1, either of the parties may notify the other party in writing of its desire to submit the difference or allegation to arbitration, and if the recipient of the notice and the party desiring the arbitration do not within fourteen days agree upon a single arbitrator, the appointment of a single arbitrator shall be made by the Attorney-General upon the request of either party, and the arbitrator shall hear and determine the difference or allegation and shall issue a decision.

4. Subsection 1 of section 30 of *The Police Act* is repealed R.S.O. 1950,
and the following substituted therefor: c. 279, s. 30,
subs. 1,
re-enacted

- (1) Every agreement made under section 27 and every <sup>Effect of
decision or award of a majority of the members of
a board of arbitration under section 28 or of an
arbitrator under section 29 or 29c is binding upon the
council of the municipality, the board, where there
is a board, and the full-time members of the police
force, other than the chief constable and any deputy
chief constable.</sup> agreement or award

5. Section 34 of *The Police Act* is amended by adding R.S.O. 1950,
thereto the following subsection: c. 279, s. 34,
amended

- (3) Where the Commissioner provides police services in <sup>Munici-
palities
a municipality mentioned in section 2 pursuant to
an agreement under section 51, the municipality
shall for the purposes of this Part be deemed to have
a police force.</sup> policed by
agreement

6. Section 5 shall be deemed to have come into force on ^{Commencement}
the 1st day of January, 1954.

7. This Act may be cited as *The Police Amendment Act*, ^{Short title}
1956.

CHAPTER 66

An Act to amend The Power Commission Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 3 of section 24 of *The Power Commission Act* R.S.O. 1950, c. 281, s. 24, is amended by inserting after “‘the Department’” in the seventh line “‘Her Majesty’” and by adding at the end thereof “and where land or property is taken compulsorily by the Commission; such taking shall be deemed to be for the public purposes of Ontario”, so that the subsection shall read as follows:

(3) In relation to all matters authorized by the Lieutenant-Governor in Council under this section, the Commission shall have and may exercise and enjoy, in addition to the powers conferred by this or any other Act, all the powers conferred upon the Minister of Public Works in relation to a public work by *The Public Works Act*, and in the application of this section, where the words “the Minister”, “the Department”, “Her Majesty” or “the Crown” appear in that Act, they shall, where the context permits, mean the Commission, and where land or property is taken compulsorily by the Commission, such taking shall be deemed to be for the public purposes of Ontario.

(2) The said section 24 is amended by adding thereto the following subsection:

(9) *The Regulations Act* does not apply to any authorization by the Lieutenant-Governor in Council under this section.

2. Clause *a* of section 26 of *The Power Commission Act* R.S.O. 1950, c. 281, s. 26, is amended by adding at the end thereof “and, with their consent, works wherever situate of other persons who are supplying or purchasing or otherwise delivering or accepting delivery of power to or from the Commission”, so that the clause shall read as follows:

(a)

- (a) for the purposes of standardizing and making uniform the periodicity in alternations of current at which it supplies electrical power or energy, alter, reconstruct, rebuild, re-assemble, construct, extend, replace or do whatever else may be necessary in respect of its works and works held by it under section 84 and, with their consent, works wherever situate of other persons who are supplying or purchasing or otherwise delivering or accepting delivery of power to or from the Commission.

R.S.O. 1950,
c. 281, s. 32,
subs. 1, 2,
re-enacted

3.—(1) Subsections 1 and 2 of section 32 of *The Power Commission Act* are repealed and the following substituted therefor:

Mode of
exercising
and extent
of powers

(1) Notwithstanding anything in this or any other Act, whenever the Commission has been authorized by the Lieutenant-Governor in Council to exercise any of its powers with respect to conducting, conveying, transmitting, distributing, supplying, furnishing or delivering power, it may proceed under the following provisions of this section.

Commission
may enter,
etc., without
notice

(2) The Commission may, without notice or without the deposit of any plan or description or any prerequisite or preliminary action or formality, and with or without the consent of the owner thereof, enter upon, take possession of and use for such time as the Commission may deem desirable any land which the Commission may deem to be required for the due exercise of any of its powers with respect to conducting, conveying, transmitting, distributing, supplying, furnishing or delivering of power, and may construct upon the land any works requisite for any such purpose.

R.S.O. 1950,
c. 281, s. 32,
subs. 11,
amended

(2) Subsection 11 of the said section 32 is amended by inserting after "notice" in the first line "which, if written, may be given by mailing it by registered letter addressed to him at his last known place of abode", so that the subsection shall read as follows:

Mode of
perfecting
title

(11) The owner shall, upon reasonable notice which, if written, may be given by mailing it by registered letter addressed to him at his last known place of abode, attend at a place to be fixed by the Commission, and execute such necessary instruments or documents as the Commission may require upon tender to him of the Commission's cheque for the amount awarded by the judge or Board or member thereof or fixed by the valuator, and costs, if any,

less such costs as may have been awarded against him, and in the event of his failing to attend and execute such instruments or documents, or if for any reason the Commission deems it desirable, the Commission may file in the registry office or land titles office, as the case may be, in the district or county in which the land affected is situate, a plan and description of the land, right or easement so taken, signed by the secretary of the Commission, or by an Ontario land surveyor, and thereupon such land, right or easement shall be and become vested in the Commission.

4. Section 46 of *The Power Commission Act*, as amended R.S.O. 1950,
by section 5 of *The Power Commission Amendment Act, 1951*, c. 281, s. 46,
section 6 of *The Power Commission Amendment Act, 1952* and
section 3 of *The Power Commission Amendment Act, 1953*, is
further amended by striking out "The Provincial Loans Act"
in the second and third lines and inserting in lieu thereof
"The Financial Administration Act, 1954", so that the section
shall read as follows:

46. The Lieutenant-Governor in Council may raise by Government
way of loan in the manner provided by *The Financial authorized to raise funds for work of Commission* such sums as the Lieutenant-Governor in Council may deem requisite for the purposes of this Act and of *The Niagara Development Act, 1951* and of *The St. Lawrence Development Act, 1952* (No. 2), and the sums so raised may either be advanced to the Commission or applied by the Treasurer of Ontario in the purchase of notes, bonds, debentures or other securities of the Commission issued by the Commission under the authority of this Act.

5. Subsection 1 of section 104 of *The Power Commission Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 281, s. 104,
subs. 1,
re-enacted

(1) The rates and charges for supplying power, and the rents and charges to meet the cost of any work or service done or furnished for the purposes of a supply of power, chargeable by any municipal corporation generating or receiving and distributing power shall be subject at all times to the approval and control of the Commission, and the rates, and such rents and charges, charged by any company or individual receiving power from the Commission for the supply of power shall be subject at all times to such approval and control.

6. Clauses *a*, *b* and *c* of subsection 1 of section 112 of *The Power Commission Act* are repealed. R.S.O. 1950,
c. 281, s. 112,
subs. 1,
cls. *a-c*,
repealed

Commencement **7.** This Act comes into force on the day it receives Royal Assent.

Short title **8.** This Act may be cited as *The Power Commission Amendment Act, 1956.*

CHAPTER 67

**An Act to amend
The Provincial Aid to Drainage Act, 1954**

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Provincial Aid to Drainage Act, 1954*, c. 74, s. 1, cl. *a*, is amended by inserting after "means" in the first line "except in section 6, the whole or any part of", so that the clause shall read as follows:

(a) "drainage work" means, except in section 6, the whole or any part of a drainage work to which *The Municipal Drainage Act* applies, in respect of which a report of an engineer or surveyor is made under that Act. R.S.O. 1950, c. 246

2. Subsection 2 of section 2 of *The Provincial Aid to Drainage Act, 1954*, c. 74, s. 2, subs. 2, is repealed and the following substituted therefor:

(2) This Act does not apply to open or covered drains or Exceptions a portion or portions thereof, the use of which is to drain other than agricultural lands, or to lateral drains.

3. Subsection 2 of section 5 of *The Provincial Aid to Drainage Act, 1954*, c. 74, s. 5, subs. 2, is amended by striking out "out of the Consolidated Revenue Fund" in the fifth line and inserting in lieu thereof "out of such moneys as are appropriated therefor by the Legislature", so that the subsection, exclusive of the clauses, shall read as follows:

(2) Upon receipt by the Minister of a report mentioned in subsection 1 and upon the practical completion of the work, the Minister, where the grant does not exceed \$5,000, and the Lieutenant-Governor in Council in other cases, may pay out of such moneys Payments

as are appropriated therefor by the Legislature to the treasurer of the initiating municipality,

1954, c. 74,
s. 6, re-
enacted

4. Section 6 of *The Provincial Aid to Drainage Act, 1954* is repealed and the following substituted therefor:

Aid in
unorganized
territory

6.—(1) Where a drainage work is in unorganized territory, the Minister, if the amount of the aid does not exceed \$5,000, and the Lieutenant-Governor in Council in other cases, may pay out of such moneys as are appropriated therefor by the Legislature an amount not exceeding 80 per cent of the cost of the drainage work as described and limited in section 2.

Initiation
and aid

(2) The Minister may in his discretion from time to time prescribe the manner in which a drainage work shall be initiated and carried out and the manner in which and the terms and conditions under which aid may be given under subsection 1.

Interpre-
tation

R.S.O. 1950,
c. 246

(3) In this section, "drainage work" means the whole or any part of a drainage work within the meaning of *The Municipal Drainage Act*.

Commence-
ment

5.—(1) Except as provided in subsections 2 and 3, this Act comes into force on the day it receives Royal Assent.

Idem

(2) Section 3 comes into force on the 1st day of April, 1957.

Idem

(3) Subsection 1 of section 6 of *The Provincial Aid to Drainage Act, 1954*, as re-enacted by section 4, comes into force on the 1st day of April, 1957.

Short title

6. This Act may be cited as *The Provincial Aid to Drainage Amendment Act, 1956*.

CHAPTER 68

An Act to amend The Provincial Land Tax Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Provincial Land Tax Act*, as amended R.S.O. 1950,
c. 298, s. 3,
1953, by section 2 of *The Provincial Land Tax Amendment Act*, amended by adding thereto the following subsection:

(1a) Notwithstanding subsection 1, where land to which Idem this Act applies is in a provincial park, the Lieutenant-Governor in Council may fix the rate of the annual tax at a rate not exceeding 4 per cent upon the value of the land or the taxable interest therein or upon such proportion of the value of such land or interest as he determines, and he may fix a different rate for lands in different provincial parks.

2. *The Provincial Land Tax Act* is amended by adding R.S.O. 1950,
c. 298,
amended thereto the following section:

5.—(1) In this section,

Interpre-
tation

(a) “pipe line” means every pipe forming part of any system for the purpose of the transportation or transmission or distribution by pipe line of crude oil or liquid or gaseous hydrocarbons or any product or by-product thereof or natural or manufactured gas or any mixture or combination of the foregoing and includes,

(i) all valves, regulators, couplings, cathodic protection apparatus, protective coatings, casings, curb-boxes, meters, and all incidental fastenings, attachments, appliances, apparatus and appurtenances,

(ii) all haulage, labour, engineering and overheads in respect of such pipe line,

(iii)

(iii) any section, part or branch of any pipe line,

(iv) any easement or right-of-way used by a pipe line company, and

(v) any franchise or franchise right,

but does not include a pipe line or lines situate wholly within an oil refinery, oil storage depot, oil bulk plant or oil pipe line terminal;

(b) "pipe line company" means every person, firm, partnership, association or corporation owning or operating a pipe line all or any part of which is situate in Ontario.

**Valuation
of pipe
line**

(2) For the purpose of the annual tax under section 3, a pipe line or any part thereof not situate in an organized municipality shall be deemed to be land to which this Act applies and, notwithstanding any other provision of this Act relating to the value to be put upon any land for the purposes of this Act, the Lieutenant-Governor in Council shall fix the valuation per foot of length at not more than the valuations set out in the following table and the valuation so fixed shall remain in force from year to year until changed by the Lieutenant-Governor in Council:

| Size of Pipe | | Valuation per Foot of Length |
|-----------------------------------|-----------------------------------|------------------------------------|
| $\frac{3}{4}''$ | Nominal inside diameter | \$.07 |
| 1" | " " " | .09 |
| $1\frac{1}{4}''$ | " " " | .11 |
| $1\frac{1}{2}''$ | " " " | .13 |
| 2" and $2\frac{1}{2}''$ | " " " | .17 |
| 3" | " " " | .46 |
| 4" and $4\frac{1}{2}''$ | " " " | .55 |
| 5" and $5\frac{5}{8}''$ | " " " | .83 |
| 6" and $6\frac{5}{8}''$ | " " " | .98 |
| 8" | " " " | 1.24 |
| 10" | " " " | 1.55 |
| 12" | " " " | 2.31 |
| 14" | Outside diameter | 2.34 |
| 16" | " " " | 2.35 |
| 18" | " " " | 3.26 |
| 20" | " " " | 3.37 |
| 22" | " " " | 3.47 |
| 24" | " " " | 3.56 |
| 26" | " " " | 3.69 |
| 28" | " " " | 3.85 |
| 30" | " " " | 4.03 |
| 32" | " " " | 4.24 |
| 34" | " " " | 4.46 |
| 36" | " " " | 4.72 |

- (3) A pipe line installed prior to 1940 shall have the valuation that is fixed under subsection 2 but shall be depreciated up to the year 1940 at the rate of 2 per cent per annum of such valuation, with a maximum depreciation of 50 per cent.
- (4) A pipe line installed in 1940 or in any subsequent year shall have the valuation that is fixed under subsection 2 with no allowance for depreciation.
- (5) A pipe line removed from one location and reinstalled in another location shall, where depreciation is applicable, continue to be depreciated in accordance with subsection 3 as though remaining in its original location.
- (6) A pipe line that has been abandoned in any year ceases to be liable for the annual tax effective with the year next following the year in which the pipe line was abandoned.
- (7) Where a pipe line is located on, in, under, along or across a highway or any lands exempt from taxation under this Act, the pipe line is nevertheless liable to the annual tax under this Act.
- (8) Where a pipe line is placed on the boundary between a municipality and an area not being in a municipality or so near thereto as to be in some places on one side and in other places on the other side of the boundary line or on or in a road that lies between a municipality and an area not being within a municipality, although it may deviate so as in some places to be wholly or partly within the municipality or the area, such pipe line shall be deemed to be wholly within the municipality.
- (9) Land that is liable to the annual tax under this Act shall not have a greater valuation by reason of there being a pipe line located on, in, under, along or across it nor shall it have a lesser valuation by reason of the abandonment of the pipe line.

3. This Act may be cited as *The Provincial Land Tax Amendment Act, 1956.*

CHAPTER 69

**An Act to amend
The Provincial Parks Act, 1954**

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Provincial Parks Act, 1954* is repealed <sup>1954, c. 75,
s. 1, re-enacted</sup> and the following substituted therefor:

1. In this Act, Interpre-
tation

(a) "provincial park" includes provincial camp grounds, provincial picnic grounds and provincial camp and picnic grounds;

(b) "public lands" means lands belonging to Her Majesty in right of Ontario, whether or not covered with water;

(c) "regulations" means regulations made under this Act.

2. *The Provincial Parks Act, 1954* is amended by adding <sup>1954, c. 75,
amended</sup> thereto the following section:

22a. Except as provided by this Act or the regulations, <sup>Use and
occupation
of public
lands</sup> no person shall use or occupy any public lands in a provincial park.

3. *The Provincial Parks Act, 1954* is amended by adding <sup>1954, c. 75,
amended</sup> thereto the following sections:

23a. Any person having the power and authority of a <sup>Seizure and
confiscation</sup> member of the Ontario Provincial Police Force may seize any motor or other vehicle, or any aircraft, or any boat, skiff, canoe, punt or other vessel, or any equipment or appliance, or any other article used in violation of this Act and found in the possession of a person suspected of having committed an offence against this Act or the regulations, and upon con-

viction

viction therefor the magistrate may order the chattel so confiscated to be forfeited to the Crown in right of Ontario, and after the expiration of thirty days it may be disposed of in such manner as the Minister deems proper.

Roads and trails

- 23b. The district forester or superintendent in charge of a provincial park may open or close to travel any road or trail in the provincial park that is not under the control of the Department of Highways.

Concession agreements

- 23c. The Minister may enter into agreements with persons with respect to the establishment or operation by them on public lands of any facility or service for the convenience of the public.

1954, c. 75,
amended

4. *The Provincial Parks Act, 1954* is amended by adding thereto the following section:

Prospecting,
mining, etc.

- 26a.—(1) Subject to the regulations, prospecting and the staking out of mining claims or the development of mineral interests or the working of mines in provincial parks is prohibited.

Licences of
occupation

- (2) A licence of occupation may be issued under the regulations to the recorded holder of a lawfully-staked mining claim in a provincial park.

No title
acquired
in surface
rights

- (3) The staker or recorded holder of a mining claim or the holder of a licence of occupation issued to the recorded holder of a mining claim does not acquire any right, title or interest in or to the surface rights in the land.

Necessary
use of
surface
rights

- (4) Where it is necessary to interfere with the surface rights in any such land in order to carry on mining operations, the district forester or superintendent in charge of the provincial park in which the land is may permit such interference with the surface rights as he deems necessary.

1954, c. 75,
s. 27, subs. 1,
cl. b,
amended

5. Clause *b* of subsection 1 of section 27 of *The Provincial Parks Act, 1954* is amended by striking out “prohibiting or” in the first line, so that the clause shall read as follows:

- (*b*) regulating and controlling prospecting or the staking out of mining claims or the development of mineral interests or the working of mines in provincial parks.

6. This Act comes into force on the day it receives Royal ^{Commencement} Assent.

7. This Act may be cited as *The Provincial Parks Amendment Act, 1956.* ^{Short title}

CHAPTER 70

An Act to amend The Public Commercial Vehicles Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *i* of section 1 of *The Public Commercial Vehicles Act* R.S.O. 1950, c. 304, s. 1, is amended by inserting after "goods" in the fifth line *cl. i,* so that the clause shall read as follows: *amended*

(*i*) "public commercial vehicle" means a commercial motor vehicle or trailer as defined in *The Highway Traffic Act*, operated on a highway by, for, or on behalf of any person for the transportation for compensation of goods of any other person and not confined in its operation to any urban zone, but does not include a commercial motor vehicle or trailer used only for the transportation from a farm or forest of goods other than live stock and milk which are the product of such farm or forest.

2. Subsection 1 of section 2 of *The Public Commercial Vehicles Act* R.S.O. 1950, c. 304, s. 2, is repealed and the following substituted therefor: *subs. 1, re-enacted*

(1) No person shall operate a public commercial vehicle *Operating licence required* except under an operating licence.

3.—(1) Subsection 1 of section 4 of *The Public Commercial Vehicles Act* R.S.O. 1950, c. 304, s. 4, as re-enacted by section 1 of *The Public Commercial Vehicles Amendment Act, 1953*, 1953, c. 85, is amended by inserting *s. 1, amended* after "certificate" in the third line "of public necessity and convenience", so that the subsection shall read as follows:

(1) No operating licence shall be issued without the *Approval of Board* approval of the Board being first obtained as evidenced by the Board's certificate of public necessity and convenience furnished to the Minister and then only in accordance with the certificate.

R.S.O. 1950,
c. 304, s. 4,
subs. 1^a
(1953, c. 85,
s. 1),
repealed

(2) Subsection 1a of the said section 4, as enacted by section 1 of *The Public Commercial Vehicles Amendment Act, 1953*, is repealed.

R.S.O. 1950,
c. 304, s. 4,
subs. 5,
amended

(3) Subsection 5 of the said section 4 is amended by inserting after "give" in the third line "or refuse", so that the subsection shall read as follows:

Powers of
Board

(5) On any application or reference to the Board, the Board shall have and may exercise all powers necessary for the purposes of this Act, and may give or refuse such certificate and make such order as it deems just.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Public Commercial Vehicles Amendment Act, 1956*.

CHAPTER 71

An Act to amend The Public Health Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *d*, *e*, *g* and *h* of section 1 of *The Public Health Act* are repealed. R.S.O. 1950, c. 306, s. 1, cl. *d*, *e*, *g*, *h*, repealed
2. Clauses *x*, *y*, *z*, *za*, *zb*, *zc* and *zd*, and clause *zdd* as enacted by section 2 of *The Public Health Amendment Act*, 1953, of section 5 of *The Public Health Act* are repealed. R.S.O. 1950, c. 306, s. 5, cl. *x-zd*; cl. *zdd* (1953, c. 87, s. 2), repealed
3. Subsection 4*a* of section 12 of *The Public Health Act*, as enacted by section 4 of *The Public Health Amendment Act*, 1953, is amended by striking out "two" in the fourth line and inserting in lieu thereof "four", so that the subsection shall read as follows: R.S.O. 1950, c. 306, s. 12, subs. 4*a* (1953, c. 87, s. 4), amended
 - (4*a*) In a township having a population of 4,000 or over according to the enumeration of the assessors for the last preceding year, the council may by by-law provide for the addition of four resident ratepayers to the local board to be appointed annually by the council at its first meeting in every year. In townships of 4,000 or over
4. Section 77, as amended by section 5 of *The Public Health Amendment Act*, 1953, and sections 78 and 79 of *The Public Health Act* are repealed. R.S.O. 1950, c. 306, ss. 77-79, repealed
5. Section 103 of *The Public Health Act* is amended by adding thereto the following subsections: R.S.O. 1950, c. 306, s. 103, amended

- (5) Subsection 1 does not apply to the discharge of sewage into any of the lakes, rivers, streams or other waters or watercourses of Ontario from any sewerage project which has been constructed and is operated in accordance with the approval of the Department, and, where required, in conformity with the orders of the Board, issued or made under the authority of this Act. Where subs. 1 not to apply

(6)

Interpre-
tation

- (6) In this section, "Board", "sewage" and "sewerage project" have the same meanings as in section 106.

R.S.O. 1950,
c. 306, s. 106,
re-enacted

6.—(1) Section 106 of *The Public Health Act* is repealed and the following substituted therefor:

Interpre-
tation

106.—(1) In this section,

R.S.O. 1950,
c. 96

- (a) "Board" means Ontario Municipal Board;
- (b) "construction" includes reconstructing, improving, repairing, extending, altering, replacing and stopping up;
- (c) "municipality" means municipality as defined in *The Department of Municipal Affairs Act*;
- (d) "owner" means a municipality or local board or any other corporation or person having authority to construct, maintain, operate, repair, improve or extend a sewerage project;
- (e) "sewage" means domestic sewage, land drainage or industrial wastes, or any combination of them;
- (f) "sewerage project" means common sewer, sewerage system, sewage treatment or disposal plant or waste treatment or disposal plant, or any part, improvement or extension thereof.

Approval of
Department

- (2) The construction and operation of a sewerage project shall not be commenced until the approval of the Department has been obtained.

Plans and
specifications

- (3) Every application to the Department for approval under subsection 2 shall be accompanied by plans of and specifications for the sewerage project and such other material and information as the Department requires.

Inquiry by
Department

- (4) The Department shall cause inquiry to be made as to the extent of the sanitary requirements which the construction of the sewerage project is intended to meet and whether the sewerage project is likely to prove prejudicial to the health of the inhabitants of the municipality in which it is to be constructed or of any other municipality.

Amendment
of plans

- (5) The Department may make such suggestion with respect to or such amendment of the plans and

specifications

specifications or may impose such condition with regard to the construction or operation of such sewerage project or the disposal of sewage therefrom as may be deemed necessary or advisable in the public interest.

- (6) The Department may from time to time modify or alter the terms and conditions as to the treatment or disposal of sewage imposed by it and may impose additional terms and conditions, and the report or decision of the Department is final, and it is the duty of the owner responsible for the operation of the sewerage project to give effect thereto. Modification,
etc., of
order
- (7) Whenever required by the Department, the owner responsible for the operation of the sewerage project shall make returns to the Department upon the forms to be furnished by it of such matters as may be required by the Department and called for by such forms, and, in case of default for thirty days after receipt of such forms, is guilty of an offence and liable to a penalty of \$100. Returns
- (8) A sewerage project of a municipality may, with the approval of the Department, be continued into or through or be situate wholly or partly in one or more other municipalities, but, before approving such sewerage project, the Department shall give at least ten days notice by registered letter to the clerk of each such other municipality, and shall hear and consider any objections to the location of the sewerage project made on behalf of the council or residents of such other municipality or municipalities or the owner of any property therein. Sewerage
project
in more
than one
municipality
- (9) When approval of the Department has been obtained, the municipality undertaking the sewerage project may enter upon, take and use such lands in such other municipality or municipalities as may be necessary, and for that purpose has the same powers within such municipality or municipalities as it has within its own municipality, and paragraph 90 of subsection 1 of section 388 of *The Municipal Act* R.S.O. 1950,
c. 243 does not apply. Powers of
municipality
after
approval
- (10) The Department may withdraw, amend or vary any approval, order or certificate made or given by it under subsection 8 and may approve of a different or other sewerage project, or a different or other location therefor. Department
may vary
approval

Hearing and
notice to
municipalities
affected

- (11) Before acting under subsection 10, the Department shall comply with the requirements of subsection 8 with respect to the giving of notice to the clerk of each municipality affected by such withdrawal, amendment, variation or new approval and the hearing and consideration of objections thereto.

Application
to Board

- (12) Where the Department has made an order or report under subsection 8 or 10, the municipality undertaking the sewerage project, before proceeding therewith, shall apply to the Board for an order prescribing the manner in which the project may be carried on, and notice of the application shall be given to the Department, the clerk of each other municipality named in the order or report of the Department and to such other persons and in such manner as the Board may direct.

Powers of
Board

- (13) Upon application, the Board may make an order,

(a) stopping up and closing any highway, road or road allowance, temporarily or permanently, for the purpose of allowing the proposed work to be carried on and vesting it in the municipality undertaking the sewerage project and providing for the opening of another highway, road or road allowance in lieu of the highway, road or road allowance so stopped up and closed, and section 89 of *The Registry Act* does not apply;

(b) imposing such terms and conditions on the municipality undertaking the sewerage project with respect to the construction and operation of the sewerage project as the Board deems just;

(c) ordering that any building restrictions, covenants running with the land or any limitations placed upon the estate or interest of any person or corporation in any lands upon or through which it is proposed that a sewerage project may be constructed or continued shall be terminated and shall be no longer operative or binding upon or against any person or persons, and directing that any such order be registered under *The Registry Act*;

(d) fixing the compensation for lands taken or injuriously affected in the construction, maintenance or operation of such sewerage project.

R.S.O. 1950,
c. 336

- (14) The registration of any order made under clause *c* of subsection 13 is a bar to any action or proceeding taken by any person or corporation claiming any right or benefits under or by reason of any such restrictions, covenants, interests, estate or title in the lands described in the order.
- (15) Where a sewerage project is constructed by a municipality in or partly in another municipality, the councils of the municipalities may enter into an agreement for the connecting with and the use of the sewerage project by the other municipality and residents thereof on such terms as may be mutually agreed upon.
- (16) Where the councils of the municipalities concerned fail to make an agreement as provided in subsection 15, the Board upon an application authorized by by-law of the council of any municipality in which any part of the sewerage project is constructed may confer the right to make use of the sewerage project upon the applicant municipality and the inhabitants thereof whose properties may be conveniently served by the sewerage project and prescribing the terms and conditions of such usage.
- (17) Where no application is made to the Board as provided in subsection 16, the owner of any property in any municipality in which the sewerage project or any part thereof has been constructed by the municipality undertaking the sewerage project may apply to the Board for an order conferring on him the right to connect his property with the sewerage project, and the Board on such application may make an order conferring such right prescribing the terms and conditions of such usage.
- (18) Where an agreement is made under subsection 15 or an order is made under subsection 16 or 17, the municipality in or into which any sewerage project has been constructed or extended by any other municipality may assess, levy and collect as taxes the amounts to be paid under the agreement or order in the same manner and to the same extent as if the sewerage project constituted a public utility owned by the municipality.
- (19) The Board shall have jurisdiction to inquire into, hear and determine any application by or on behalf of any person or corporation interested complaining that any municipality constructing, maintaining or operating

Registration of order

Agreement between municipalities

Application by municipality

Application by property owner

Municipality may collect as taxes amounts agreed or ordered to be paid

Powers of Board

operating any sewerage project or having the control thereof,

- (a) has failed to do any act, matter or thing required to be done by an Act or regulation, order or direction, or by any agreement entered into with the municipality; or
- (b) has done or is doing any act or is failing to do any act and that such act or failure is causing depreciation, loss, injury or damage to any property and the Board may make any order, award or finding in respect of any claim of damage or injury as it may deem just.

Right to compensation

- (20) Where land is expropriated for a sewerage project or is injuriously affected by the construction, maintenance or operation of a sewerage project by a municipality, the right to compensation shall be as provided by section 349 of *The Municipal Act* and, except as provided in this section, sections 349 and 351 to 357 of *The Municipal Act* shall apply thereto.

R.S.O. 1950,
c. 243

Claims determined by Board

- (21) All claims for compensation for lands expropriated for a sewerage project or injuriously affected by the construction, maintenance or operation of a sewerage project by a municipality shall be heard and determined by the Board and not otherwise, and *The Ontario Municipal Board Act*, as far as practicable, applies to every application made to the Board under this section whether or not the sewerage project is located in one or more than one municipality.

Construction or operation of approved sewerage projects by statutory authority

- (22) Any sewerage project which is to be, is being or has been constructed, maintained or operated with the approval of the Department and in accordance with the terms and conditions imposed in any order, direction, report or regulation of the Department, the Minister or the Board under the authority of this Act, or any predecessor of this Act, when it is being so constructed or is so constructed, maintained or operated, shall be deemed to be under construction, constructed, maintained or operated by statutory authority.

Exceptions

- (23) Subsection 22 does not apply to any sewerage project which is to be or is being or has been constructed, maintained or operated in violation of any general or special Act or any official plan under *The Planning Act, 1955* or any municipal by-law.

1955, c. 61

(24) Nothing in subsection 22 affects the right of any person to claim for compensation or damages for land injuriously affected or for negligence or nuisance arising from the construction, maintenance or operation of any sewerage project.

(2) Whether or not its operation is now stayed, every injunction heretofore granted against The Corporation of the City of Woodstock restraining the Corporation from discharging effluent from its sewage disposal plant is dissolved and such disposal plant shall be deemed to have been constructed by statutory authority and shall be deemed to have been maintained and operated prior to the coming into force of this section by statutory authority.

(3) Whether or not its operation is now stayed, every injunction heretofore granted against The Corporation of the Village of Richmond Hill restraining the Corporation from discharging effluent or storm overflow from its sewerage system is dissolved and such sewerage system shall be deemed to have been constructed by statutory authority and shall be deemed to have been maintained and operated prior to the coming into force of this section by statutory authority.

(4) Nothing in subsection 2 or 3 affects the right of any person to damages or costs heretofore awarded in the action in which any such injunction was granted or affects the right of any person to claim for compensation or damages for land injuriously affected or for negligence or nuisance arising from the construction, maintenance or operation of any sewerage project whether arising before or after the date of trial of such action.

(5) The Department of Health shall make or cause to be made an inquiry and investigation of the construction and operation of the sewage disposal plant and sewerage system mentioned in subsections 2 and 3 and may modify or alter the terms and conditions previously imposed as to the treatment or disposal of sewage and may impose additional terms and conditions in accordance with the powers and duties of the Department under this Act.

7.—(1) This Act, except sections 1, 2 and 4 and subsections 2 and 3 of section 6, comes into force on the day it receives Royal Assent.

(2) Sections 1, 2 and 4 and subsections 2 and 3 of section 6 come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

8. This Act may be cited as *The Public Health Amendment Act, 1956.*

CHAPTER 72

An Act to amend The Public Lands Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 11 of *The Public Lands Act*, as re-enacted by R.S.O. 1950, c. 309, s. 11 section 2 of *The Public Lands Amendment Act, 1953*, is repealed and the following substituted therefor: (1953, c. 88, s. 2), re-enacted

- 11.—(1) The Minister may cause any public lands to be surveyed or subdivided and he may annul in whole or in part any survey or subdivision made under this section or a predecessor of this section. Surveys and annulments
- (2) Where a plan of survey or subdivision made under subsection 1 or a predecessor of subsection 1 has been or is lodged with the proper master of titles or registrar of deeds and the Minister annuls in whole or in part the survey or subdivision, the Minister shall cause an amended plan to be lodged with such master of titles or registrar of deeds. Amended plans
- (3) Where letters patent have been issued for any land that is affected by an annulment under subsection 1, the Minister shall cause such patent to be cancelled and a patent containing a revised description of the land to be issued in its stead, and the patent so issued shall relate back to the date of the one so cancelled and has the same effect as if issued on the date of such cancelled patent. Substitution of letters patent

2. Section 15a of *The Public Lands Act*, as enacted by R.S.O. 1950, c. 309, s. 15a section 5 of *The Public Lands Amendment Act, 1953*, is repealed and the following substituted therefor: (1953, c. 88, s. 5), re-enacted

- 15a. Where the sale or lease of any public lands is not otherwise provided for in this or any other Act or the regulations, the Minister may direct the sale or lease of any such public lands at such price or rental and upon such terms and conditions as he deems Sale, etc., of public lands not otherwise provided for

proper,

proper, but no such sale or lease shall be made of parcels of more than ten acres, and in the case of a sale at less than \$10 an acre and in the case of a lease at less than \$5 an acre per annum, without the approval of the Lieutenant-Governor in Council.

R.S.O. 1950,
c. 309,
amended

3. *The Public Lands Act* is amended by adding thereto the following section:

Quit claim
of public
lands to
person in
possession

15b. Where a person has been in actual possession of public lands by himself or through his predecessors for more than sixty years, the Minister may cause a quit claim to be issued to such person in respect of such lands at such price and upon such terms and conditions as he deems proper.

R.S.O. 1950,
c. 309, s. 34,
re-enacted

4. Section 34 of *The Public Lands Act* is repealed and the following substituted therefor:

Sale, etc.,
of public
lands
covered
with water

34. The Minister may grant a lease or issue a licence of occupation in respect of any public lands covered with water at such rent or fee and upon such terms and conditions as he deems proper or as may be prescribed by the regulations, or, with the approval of the Lieutenant-Governor in Council, the Minister may sell any such lands at such price and upon such terms and conditions as he deems proper.

R.S.O. 1950,
c. 309, s. 57a
(1951, c. 71,
s. 3), subs. 2,
re-enacted

5. Subsection 2 of section 57a of *The Public Lands Act*, as enacted by section 3 of *The Public Lands Amendment Act*, 1951, is repealed and the following substituted therefor:

Release from
reservation
of pine trees
1901, c. 6

(2) Where letters patent issued for lands disposed of under the Act entitled *An Act to provide for the appropriation of certain lands for the Volunteers who served in South Africa and the Volunteer Militia who served on the frontier in 1866*, being chapter 6 of the Statutes of Ontario, 1901, reserve pine trees to the Crown and the land is not under timber licence, the Minister upon application of the owner may make an order releasing and discharging the land from the reservation of pine trees,

(a) upon payment of a fee of \$25; and

(b) upon payment of a purchase price determined by the Minister; or

(c) without payment of a purchase price, if the owner is an actual settler residing on or within three miles of the land.

6. Subsection 1 of section 61a of *The Public Lands Act*, as R.S.O. 1950, c. 309, s. 61a enacted by section 12 of *The Public Lands Amendment Act*, (1953, c. 88, s. 12), subs 1, is amended by inserting after "land" in the first line amended "that is in a municipality", so that the subsection shall read as follows:

- (1) Where letters patent for land that is in a municipality contain a reservation for roads and the Minister is of opinion that the present and future needs of the locality as to roads are adequately provided for, he may, upon application of the owner of the land or any part thereof and upon payment of a fee of \$25, make an order releasing and discharging the land or part from such reservation. Release of road reservations

7. *The Public Lands Act* is amended by adding thereto the following section: R.S.O. 1950, c. 309, amended

- 64.—(1) The Minister may issue a certificate as to any condition, proviso or reservation that is void by statute. Certificate
- (2) Every applicant for a certificate under subsection 1 shall pay a fee of \$15 for every such certificate. Fee for certificate

8. The reservations contained in certain letters patent dated the 18th day of May, 1880, that granted to The Corporation of the City of Toronto a certain parcel or tract of marsh land and land covered by water containing by computation 1,385 acres more or less and situate to the southward of part of the easterly portion of the then City of Toronto in the County of York and more particularly described therein shall be deemed to be void and of no effect. Reservations in a letters patent voided, Toronto

9. Where letters patent granting certain islands in Georgian Bay of Lake Huron have issued containing a proviso, "Provided always, and it is hereby declared that these Presents are issued for the purpose of passing to the Grantee only such estate, right, title and interest in and to the said lands as We in the right of our Province of Ontario have power to convey, and that the said Grantee, his heirs or assigns, shall have no recourse against Us or Our successors or against the Province of Ontario or the Government thereof should our title be found to be defective or should these Presents be found ineffectual to pass such title", or in words of like effect, such proviso shall be deemed to be void and of no effect. Proviso in letters patent voided, Georgian Bay

10. Where letters patent granting land to the person or persons therein named have issued containing the proviso, "Provided always, that no part of the parcel or tract of land hereby given and granted to the said be within any reservation heretofore made, and marked for us, Proviso in letters patent voided

our heirs and successors, by our Surveyor-General of Woods, or his lawful Deputy; in which case, this Our Grant for such part of land hereby given and granted to the said
..... as aforesaid and which shall upon a survey thereof being made, be found within any such reservation, shall be null and void, and of none effect, anything herein contained to the contrary notwithstanding", or in words of like effect, such proviso shall be deemed to be void and of no effect.

Commencement

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The Public Lands Amendment Act, 1956.*

CHAPTER 73

An Act to amend The Public Schools Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 29 of *The Public Schools Act* R.S.O. 1950, c. 316, s. 29, is amended by adding at the commencement thereof "Except as provided in sections 15 and 17", so that the subsection shall read as follows:

(1) Except as provided in sections 15 and 17, on the formation, dissolution, division or alteration of any school section or sections in the same township, in case the boards of the sections interested are unable to agree, the inspector and two other persons appointed by the township council shall, as arbitrators, value, adjust and determine in an equitable manner all rights and claims consequent upon such formation, dissolution, division or alteration between the respective parts of the township affected, and the determination of the arbitrators or of any two of them shall be final and conclusive.

2.—(1) Section 46 of *The Public Schools Act* is amended R.S.O. 1950, c. 316, s. 46, by adding thereto the following subsection:

(5a) Where in any year it appears to a school board that the assessment roll will not be returned on the 30th day of September, the board may, by resolution passed with the approval of the Minister, extend the time for the return of that assessment roll for such period not exceeding sixty days subsequent to the 30th day of September as appears necessary, and when such a resolution is passed the time for closing the court of revision for that year is thereby extended for a period corresponding to that for which the time for the return of the assessment roll is extended.

R.S.O. 1950,
c. 316, s. 46,
subs. 12,
amended

(2) Subsection 12 of the said section 46 is amended by striking out "or of the court of revision where no appeal is taken to the district judge, and the provisions of sections 72 to 83" in the seventh, eighth and ninth lines and inserting in lieu thereof "and the provisions of sections 72 to 83c", so that the subsection shall read as follows:

Appeals

(12) An appeal to the district judge shall lie at the instance of the board, the assessor or any person assessed, not only against a decision of the court of revision on an appeal to the said court but also against any omission, neglect or refusal of the said court to hear or decide an appeal, and an appeal shall lie to the Ontario Municipal Board from a decision of the district judge and the provisions of sections 72 to 83c, except section 78, of *The Assessment Act* shall apply *mutatis mutandis* to every such appeal.

R.S.O. 1950,
c. 24

3. Subsection 9 of section 71 of *The Public Schools Act* is repealed and the following substituted therefor:

Order of
business

(9) The business of every school meeting may be conducted in the following order:

1. Receiving and disposing of the annual report of the trustees.
2. Receiving a report from the trustees on the insurance on the buildings and equipment.
3. Receiving and disposing of the last annual report of the municipal auditor.
4. Where the ratepayers have provided for a local audit, receiving and disposing of the report of the local auditors.
5. If deemed necessary, providing for a local audit and the election of a local auditor for the ensuing year.
6. Miscellaneous business.
7. The election of trustees.

R.S.O. 1950,
c. 316, s. 73,
subs. 7,
re-enacted

4. Subsection 7 of section 73 of *The Public Schools Act* is repealed and the following substituted therefor:

Right to
vote
objected to

- (7) If objection is made to the right of any person to vote, the chairman, if the name of the person appears on the assessment roll or on the voters' list, shall require the person, where he votes as a ratepayer, to make the following declaration:

1. I, A.B., declare and affirm that I am an assessed ratepayer in school section No.;
2. That I am of the full age of twenty-one years;
3. That I am a natural born (*or* naturalized) subject of Her Majesty, and am not a citizen or subject of any foreign country;
4. That I am a supporter of the public school in said school section No.;
5. That I have a right to vote at this election (*or* on the question submitted to this meeting),

or shall require the person, where he votes as an elector, who is not a ratepayer, to make the following declaration:

6. I, A.B., declare and affirm that I am entered on the assessment roll (*or* voters' list) of this municipality as entitled to vote at municipal elections;
7. That I am of the full age of twenty-one years;
8. That I am a natural born (*or* naturalized) subject of Her Majesty, and am not a citizen or subject of any foreign country;
9. That I am not a supporter of any separate school;
10. That I have been a resident of school section No. for the six months last past;
11. That I have a right to vote at this election (*or* on the question submitted to this meeting),

and after making such declaration the person making it shall be entitled to vote.

5. Section 89 of *The Public Schools Act* is repealed. R.S.O. 1950,
c. 316, s. 89,
repealed
6. Subsection 1 of section 104 of *The Public Schools Act* is R.S.O. 1950,
repealed and the following substituted therefor: c. 316, s. 104,
subs. 1,
re-enacted

- (1) In addition to the audit required under *The Municipal Act*, the ratepayers of a rural school section at an annual or special meeting held before the 15th day of December may provide for a local audit of the school accounts, and when a local audit is provided for, there shall be two auditors, one of whom shall be elected by the ratepayers and the other appointed by the school board before the 15th day of December. Local
auditors
c. 243

7. This Act comes into force on the day it receives Royal Assent. Commencement

8. This Act may be cited as *The Public Schools Amendment Act, 1956*. Short title

CHAPTER 74

An Act to amend The Public Service Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 7 of section 13 of *The Public Service Act* is R.S.O. 1950,
c. 317, s. 13,
subs. 7,
re-enacted repealed and the following substituted therefor:
 - (7) Subsection 5 applies to every person who was Idem employed casually and continuously up to the time of his appointment as an employee, if he gives notice in writing to the Board within three months of his appointment as an employee or before the 1st day of December, 1956, whichever is later, of his intention to pay the amount prescribed in clause *c* of subsection 5.
2. This Act comes into force on the day it receives Royal Commencement Assent.
3. This Act may be cited as *The Public Service Amendment* Short title *Act, 1956.*

CHAPTER 75

An Act to amend The Railway Fire Charge Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Railway Fire Charge Act* R.S.O. 1950, c. 330, s. 1, cl. *a*, re-enacted is repealed and the following substituted therefor:

(a) “collector” means the Land Tax Collector appointed under *The Provincial Land Tax Act*. R.S.O. 1950, c. 298

2. *The Railway Fire Charge Act* is amended by adding R.S.O. 1950, c. 330, amended thereto the following section:

1a. The charge imposed by this Act is not payable in respect of railway lands situate in a municipality or in respect of railway lands wherever situate that are used in connection with a place of worship, churchyard, cemetery or burying ground or where the railway lands of an owner or tenant comprise fewer than 200 acres and are subject to the tax under *The Provincial Land Tax Act*. Exemptions

3.—(1) Subsection 1 of section 2 of *The Railway Fire Charge Act*, as amended by section 1 of *The Railway Fire Charge Amendment Act, 1951*, is further amended by adding R.S.O. 1950, c. 330, s. 2, subs. 1, amended at the commencement thereof “Subject to section 1a”, so that the subsection shall read as follows:

(1) Subject to section 1a, the owner or tenant of any railway lands shall pay to the Minister annually for the uses of Ontario and for the purpose of defraying the expenses of protecting the property, rights and interest of such owner or tenant against fire, for every square mile or fraction thereof of such railway lands a sum not exceeding \$15 per annum, as may be prescribed by the Lieutenant-Governor in Council from time to time. Annual charge for protection

(2) The said section 2 is amended by adding thereto the R.S.O. 1950, c. 330, s. 2, amended following subsection:

(1a)

Where
charge
to be \$6

- (1a) Where the railway lands of an owner or tenant comprise fewer than 200 acres and such lands are not subject to tax under *The Provincial Land Tax Act*, the charge imposed by this Act is \$6.

R.S.O. 1950,
c. 330, s. 3,
subs. 1,
amended

- 4.** Subsection 1 of section 3 of *The Railway Fire Charge Act*, as amended by section 2 of *The Railway Fire Charge Amendment Act, 1951*, is further amended by striking out "May" in the amendment of 1951 and inserting in lieu thereof "February", so that the subsection shall read as follows:

Liability
of tenant

- (1) A tenant of railway lands shall be jointly and severally liable with the owner for the payment of the charge imposed by this Act and it shall become due and payable on or before the 1st day of February in each year.

R.S.O. 1950,
c. 330, s. 7,
re-enacted

- 5.** Section 7 of *The Railway Fire Charge Act* is repealed and the following substituted therefor:

Computation
of charges

- 7.—(1) The collector shall compute the annual charges imposed by this Act and shall insert the amounts thereof in the roll.

Billing

- (2) The collector shall mail a bill by prepaid post to every owner or tenant of railway lands on which a charge is imposed by this Act at his last known address on or before the 15th day of January in the year for which the charge is imposed, and such bill shall contain a description of the lands, the area thereof, the amount of the charge payable and such other information as the collector deems appropriate.

R.S.O. 1950,
c. 330, s. 8,
repealed

- 6.** Section 8 of *The Railway Fire Charge Act* is repealed.

R.S.O. 1950,
c. 330, s. 9,
re-enacted

- 7.** Section 9 of *The Railway Fire Charge Act*, as amended by section 3 of *The Railway Fire Charge Amendment Act, 1951*, is repealed and the following substituted therefor:

Penalty
and interest
on unpaid
charges

9. Where the charge imposed by this Act remains unpaid on the 1st day of March in the year for which it is payable, a penalty of 5 per cent shall be added thereto and the charge and penalty shall bear interest at the rate of 6 per cent per annum from such 1st day of March until paid, and for all purposes the amount of the charge, penalty and interest shall be deemed to be the charge due and payable under this Act.

8. Sections 10, 11, 12, 13 and 14 of *The Railway Fire Charge Act* are repealed and the following substituted therefor:

R.S.O. 1950,
c. 330, s. 10,
re-enacted;
ss. 11-14,
repealed

10. Sections 21 and 22 of *The Provincial Land Tax Act* Application
of
R.S.O. 1950,
c. 298,
ss. 21, 22
apply *mutatis mutandis* to this Act.

9. Clause *a* of section 15 of *The Railway Fire Charge Act* R.S.O. 1950,
c. 330, s. 15,
cl. *a*, re-
pealed
is repealed.

10. This Act comes into force on a day to be named by Commencement
the Lieutenant-Governor by his Proclamation.

11. This Act may be cited as *The Railway Fire Charge Amendment Act, 1956*. Short title

CHAPTER 76

**An Act to amend
An Act respecting Real Property**

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *An Act respecting Real Property*, being R.S.O. 1897, chapter 330 of the Revised Statutes of Ontario, 1897, and ^{c. 330, s. 1,} ~~repealed~~ contained in Appendix A to the Revised Statutes of Ontario, 1950, is repealed.

2. This Act may be cited as *The Real Property Amendment Act, 1956*. Short title

CHAPTER 77

**An Act to amend The Reciprocal Enforcement
of Maintenance Orders Act**

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Reciprocal Enforcement of Maintenance Orders Act* R.S.O. 1950, c. 334, s. 2, is amended by adding thereto the following sub-amended section:

(3) A maintenance order that makes payable sums of money expressed in a currency other than the currency of Canada shall not be registered under this section until the court in which it is sought to register the order, in the case of the Supreme Court, the Registrar of that Court, has determined the equivalent of such sums in the currency of Canada on the basis of the rate of exchange prevailing at the date of the order of the court of the reciprocating state as ascertained from any branch of any chartered bank, and the court or Registrar, as the case may be, shall certify on the order the sums expressed in Canadian currency as so determined and upon the registration of such order it shall be deemed to be an order for the payment of the sums so certified.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Reciprocal Enforcement of Maintenance Orders Amendment Act, 1956*. Short title

CHAPTER 78

An Act to amend The Regulations Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subclause iii of clause e of section 1 of *The Regulations Act* is amended by inserting after "Highway" in the third line "or designating any road or portion of a road as a second-<sup>R.S.O. 1950,
c. 337, s. 1,
cl. e,
subcl. iii,
amended</sup>ary road or a designation by the Minister of Highways of any road or proposed road as a development road", so that the subclause shall read as follows:

(iii) an order of the Lieutenant-Governor in Council designating any highway or a system of public highways as the King's Highway or designating any road or portion of a road as a secondary road or a designation by the Minister of Highways of any road or proposed road as a development road, or

• • • •

2. This Act comes into force on the day it receives Royal Assent.^{Commencement}

3. This Act may be cited as *The Regulations Amendment Act, 1956*.^{Short title}

CHAPTER 79

An Act to amend The Sanatoria for Consumptives Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 45 of *The Sanatoria for Consumptives Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 346, s. 45,
subs. 3,
re-enacted

(3) Any person served with a notice who fails to carry out an order or direction contained therein is guilty of an offence and on summary conviction may be committed to a sanatorium for a period of not more than fourteen days to receive the examination considered necessary by the superintendent of the sanatorium to determine if the person is suffering from tuberculosis in an infectious state. Penalty

2. Section 46 of *The Sanatoria for Consumptives Act* is amended by adding thereto the following subsection: R.S.O. 1950,
c. 346, s. 46,
amended

(5a) Any person who appears or is summoned to appear before a magistrate under this section may retain a duly qualified medical practitioner to give evidence on his behalf, and the fees of the medical practitioner shall be deemed to be part of the expenses of the proceedings and payable as provided by subsection 3 of section 48. Fees of
medical
practitioner
retained

3. *The Sanatoria for Consumptives Act* is amended by adding thereto the following sections: R.S.O. 1950,
c. 346,
amended

46a.—(1) Where any physician having medical charge of a jail, lock-up, reformatory, industrial farm, training school, or industrial, female or other refuge, suspects that any person under his charge is suffering from tuberculosis, he may, or if directed by the proper medical officer of health, he shall cause the person to undergo the necessary examination to ascertain Examination
by physician
in charge

if

if the person has tuberculosis or to ascertain the extent of the disease, and if the examination discloses that the person has tuberculosis, the physician shall report the facts to the proper medical officer of health who may proceed as provided by section 46c.

Duty of physician in charge

- (2) Where an examination has not been made under this section, every physician having medical charge of a jail, lock-up, reformatory, industrial farm, training school, or industrial, female or other refuge, shall report immediately to the medical officer of health the name and place of confinement of every person under his charge that he suspects is suffering from tuberculosis.

Duplicate report

- (3) A copy of every report under this section shall be sent by the physician making the report to the Minister and to the proper medical officer of health for the municipality in which the person formerly resided before admission to an institution mentioned in this section.

Examination of person under arrest or in custody

- 46b. Where a medical officer of health believes that any person under arrest or in custody, whether awaiting trial for any offence under or violation of any statute of Canada or of Ontario or any regulation, by-law or order made thereunder or serving the sentence of a court upon conviction of any such offence or violation, has been or may be suffering from tuberculosis, he may cause the person to undergo the examination necessary to ascertain if the person is suffering from tuberculosis or to ascertain the extent of the disease, and may direct that the person be transferred to and detained in a sanatorium until the result of the examination is known.

Treatment

- 46c. Where any person under arrest or in custody, whether awaiting trial for any offence under or violation of any statute of Canada or of Ontario or any regulation, by-law or order made thereunder or serving the sentence of a court upon conviction of any such offence or violation, is found to have tuberculosis, the medical officer of health of the municipality where the person is in custody, or the Minister, may by order in writing direct that the person be transferred to a sanatorium and undergo treatment therein and that he be detained in custody within the sanatorium until the tuberculosis is no longer infectious or until he has received a degree of treatment considered adequate by the medical superintendent and the Minister notwithstanding

that

that he may be otherwise entitled to be released, and any order made under this section shall be sufficient warrant to the person to whom the order is addressed to carry out the terms thereof.

4. Clause *c* of subsection 1 of section 48 of *The Sanatoria for Consumptives Act* R.S.O. 1950, c. 346, s. 48, is amended by inserting after "46" in subs. 1, cl. *c*, the fourth line "46a, 46b, 46c".

5. *The Sanatoria for Consumptives Act* is amended by R.S.O. 1950, c. 346, adding thereto the following section: amended

49a.—(1) In this section,

Interpre-
tion

(a) "special patient" means a patient received and lodged in a special treatment unit for the purpose of receiving special treatment;

(b) "special treatment" means the treatment of persons suffering from sickness or disability, other than tuberculosis, prescribed by the regulations;

(c) "special treatment unit" means that part of a sanatorium approved under subsection 2.

(2) The Minister may issue certificates approving any part of a sanatorium as a special treatment unit.

Special
treatment
units

(3) Notwithstanding any of the provisions of this Act or *The Public Hospitals Act*, any person who is or is believed to be in need of special treatment may be admitted to a special treatment unit for the purpose of receiving special treatment.

Admission
R.S.O. 1950,
c. 307

(4) For the purpose of municipal liability, an indigent special patient shall be deemed to be a patient in a public hospital classified in a group designated by the regulations and all the provisions relating to municipal liability of *The Public Hospitals Act* shall apply *mutatis mutandis* to the indigent special patient or the dependant of the indigent special patient.

Municipal
liability

6. Subsection 1 of section 51 of *The Sanatoria for Consumptives Act* is amended by adding thereto the following clauses:

R.S.O. 1950,
c. 346, s. 51,
subs. 1,
amended

(bb) designating special treatment units for the purpose of municipal liability under subsection 5 of section 49a;

.

(ee)

(ee) prescribing special treatment which may be given in a sanatorium for the purposes of section 49a.

Short title

7. This Act may be cited as *The Sanatoria for Consumptives Amendment Act, 1956.*

CHAPTER 80

**An Act to amend
The Secondary Schools and Boards of
Education Act, 1954**

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of *The Secondary Schools and Boards of Education Act, 1954*, c. 87^{s. 12,} is amended by adding thereto the following subsection:

(1a) Where two continuation schools have been established in a village, the council of the county in which the village is situated may include the village in a high school district, and, notwithstanding the provisions of section 3, may by by-law provide that the property liable to assessment and taxation for the purposes of one of the continuation schools in any year may continue to be assessed and taxed for the purposes of a continuation school and excluded from assessment and taxation for high school purposes in such year.

2. Section 19 of *The Secondary Schools and Boards of Education Act, 1954*, c. 87^{s. 19,} is amended by adding thereto the following subsection:

(4) In this section, "ratepayer" means a person whose name is entered on the last revised assessment roll.

3. This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1956*.

CHAPTER 81

An Act to amend The Securities Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 6 of *The Securities Act*, as R.S.O. 1950, c. 351, s. 6, amended by subsection 1 of section 2 of *The Securities Amendment Act, 1953*, is further amended by striking out "or" at the end of clause *c*, by adding "or" at the end of clause *d* and by adding thereto the following clause:

(e) advise others by means of a publication or writing as to the advisability of investing in or purchasing or selling a security specified therein unless such person or company is registered or is exempted from registration.

2. Clause *a* of subsection 2 of section 19 of *The Securities Act* is amended by inserting after "issue" in the eleventh line R.S.O. 1950, c. 351, s. 19, subs. 2, cl. *a*, "if the Commission is notified in writing of the terms of the sale at least ten days before the sale is to be made, and", so that the clause shall read as follows:

(a) Securities of its own issue which are distributed or issued by a company to the holders of its securities as a stock dividend or other distribution out of earnings or surplus, or securities whether of its own issue or not which are distributed or issued by such company to the holders of its securities as incidental to a *bona fide* re-organization or winding-up of the company or distribution of its assets for the purpose of winding-up its affairs, or the sale by a company to the holders of its securities of additional securities of its own issue if the Commission is notified in writing of the terms of the sale at least ten days before the sale is to be made, and provided that no commission or other remuneration is paid or given to others in respect of such distribution, issuance or sale, except for ministerial or professional services or

services performed by a person or company registered for trading in securities under this Act in connection with a *bona fide* re-organization of the company.

R.S.O. 1950,
c. 351, s. 38,
subss. 6-8;
re-enacted

3. Subsections 6, 7 and 8 of section 38 of *The Securities Act* are repealed and the following substituted therefor:

Financial statements

(6) A prospectus of a mining company shall be accompanied by,

- (a) an earnings statement of the company and, unless the Commission otherwise directs, of all its subsidiaries, showing all profits or losses and the nature and source thereof year by year for the last five completed financial years of the company and any part of a subsequent financial year to the date at which the balance sheet required by clause *b* is made up, or for such shorter or longer period as the Commission may require, but not for a longer period than five additional years; and
- (b) a balance sheet of assets and liabilities of the company and, unless the Commission otherwise directs, of all its subsidiaries, as at a date not more than 120 days before the date of the prospectus or such other date as the Commission may accept.

Idem

(6a) Where the proceeds of the securities offered by the prospectus of a mining company are to be applied in whole or in part directly or indirectly in the purchase of one or more businesses, the prospectus shall be accompanied by,

- (a) a *pro forma* statement combining the net profits or net losses of the business or businesses with those of the company or companies covered by the earnings statement for the years and period mentioned in clause *a* of subsection 6 or, if the Commission so requires, a statement showing all profits or losses and the nature and source thereof of the business or businesses year by year for the last five completed financial years of the business or businesses and any part of a subsequent year to the date to which the balance sheet required by clause *b* of subsection 6 is made up, or to such other date or for such shorter or longer period as the Commission may require,

but

but not for a longer period than five additional years; and

- (b) a *pro forma* balance sheet showing the assets to be acquired and the liabilities to be assumed and the assets and liabilities of the company or companies covered by the balance sheet mentioned in clause *b* of subsection 6 as at the date at which the balance sheet is made up or, if the Commission so requires, a statement showing the assets to be acquired and the liabilities to be assumed.
- (6b) Every balance sheet and *pro forma* balance sheet of ^{Idem} a mining company shall show separately the shares of capital stock issued for cash and the value at which the shares were issued, the shares of capital stock issued for properties, claims or leases and the value at which the shares were issued, the shares of capital stock issued for other consideration and the value at which the shares were issued and shall be accompanied by analyses of deferred charges where, in the opinion of the Commission, such deferred charges are significant.
- (6c) The Commission may require the prospectus of a ^{Idem} mining company to be accompanied by a *pro forma* balance sheet showing the assets and liabilities of the company and, unless the Commission otherwise directs, of all its subsidiaries, as at the date at which the balance sheet required by clause *b* of subsection 6 is made up, giving effect to the sale, issue or redemption of securities issued or to be issued by the company and to such other transactions as the Commission may require.
- (6d) Where the Commission directs that profits or losses ^{Idem} of a subsidiary or subsidiaries of a mining company shall not be included in the earnings statement unless the Commission otherwise directs there shall be set out therein, by note or otherwise, the interest of the company in the profits or losses of the subsidiary or subsidiaries and the extent to which that interest has been included in the earnings statement for the years and period covered by the statement.
- (6e) Where, before the date of the prospectus, a mining ^{Idem} company that has carried on business for less than five years acquires control of a business that has been carried on for a longer period than the business of the company, for the purposes of clause *a* of sub-

section 6, the company is deemed to have carried on business for the same period as the business acquired.

Idem

- (7) Every earnings statement, balance sheet, *pro forma* statement and *pro forma* balance sheet mentioned in subsections 6, 6a and 6c, and any other financial statement or *pro forma* financial statement accompanying the prospectus, shall be drawn up in such manner and contain such information as the Commission may from time to time require.

Approval
of financial
statements
by board of
directors

- (7a) Every earnings statement, balance sheet, *pro forma* statement and *pro forma* balance sheet mentioned in subsections 6, 6a and 6c shall be approved by the board of directors and the approval evidenced by the signatures at the foot of every balance sheet and every *pro forma* balance sheet of two or more directors authorized to signify such approval.

Examina-
tion by
auditor or
accountant

- (8) The auditor or accountant eligible for appointment as auditor of a mining company shall make such examination as will enable him to report as required by subsection 8a.

Report of
auditor or
accountant

- (8a) A prospectus of a mining company shall be accompanied by a report by the auditor of the company or, where the Commission permits, by an accountant eligible for appointment as auditor of the company, upon every earnings statement, *pro forma* statement, balance sheet and *pro forma* balance sheet that accompanies a prospectus.

Contents of
report of
auditor or
accountant

- (8b) The auditor or accountant shall state in the report whether in his opinion,

(a) every earnings statement presents fairly the results of the operations for the years and period covered;

(b) every balance sheet presents fairly the financial position as at the date at which it is made up;

(c) every *pro forma* statement presents fairly, after giving effect to the assumptions on which it is based, the results of the operations for the years and period covered;

(d) every *pro forma* balance sheet presents fairly, after giving effect to the assumptions on which it is based, the financial position as at the date at which it is made up.

- (8c) The auditor or accountant shall be a person acceptable to the Commission. Auditor or accountant to be acceptable to Commission
- (8d) There shall be filed with the Commission, in the form that the Commission requires, a consent by the auditor or accountant to the use of his report required under subsection 8a. Consent by auditor or accountant to use of report

4. Subsections 5, 6, 7 and 8 of section 39 of *The Securities Act* R.S.O. 1950, c. 351, s. 39, subss. 5-8, are repealed and the following substituted therefor: re-enacted

- (5) A prospectus of an industrial company shall be accompanied by, Financial statements

- (a) an earnings statement of the company and, unless the Commission otherwise directs, of all its subsidiaries, showing all profits or losses and the nature and source thereof year by year for the last five completed financial years of the company and any part of a subsequent financial year to the date at which the balance sheet required by clause b is made up, or for such shorter or longer period as the Commission may require, but not for a longer period than five additional years; and
- (b) a balance sheet of assets and liabilities of the company and, unless the Commission otherwise directs, of all its subsidiaries, as at a date not more than 120 days before the date of the prospectus or such other date as the Commission may accept.
- (5a) Where the proceeds of the securities offered by the ^{Idem} prospectus of an industrial company are to be applied in whole or in part directly or indirectly in the purchase of one or more businesses, the prospectus shall be accompanied by,
- (a) a *pro forma* statement combining the net profits or net losses of the business or businesses with those of the company or companies covered by the earnings statement for the years and period mentioned in clause a of subsection 5 or, if the Commission so requires, a statement showing all profits or losses and the nature and source thereof of the business or businesses year by year for the last five completed financial years of the business or businesses and any part of a subsequent year to the date to which the balance sheet re-

quired by clause *b* of subsection 5 is made up, or to such other date or for such shorter or longer period as the Commission may require, but not for a longer period than five additional years; and

- (b) a *pro forma* balance sheet showing the assets to be acquired and the liabilities to be assumed and the assets and liabilities of the company or companies covered by the balance sheet mentioned in clause *b* of subsection 5 as at the date at which the balance sheet is made up or, if the Commission so requires, a statement showing the assets to be acquired and the liabilities to be assumed.

Idem

- (5b) The Commission may require the prospectus of an industrial company to be accompanied by a *pro forma* balance sheet showing the assets and liabilities of the company and, unless the Commission otherwise directs, of all its subsidiaries, as at the date at which the balance sheet required by clause *b* of subsection 5 is made up, giving effect to the sale, issue or redemption of securities issued or to be issued by the company and to such other transactions as the Commission may require.

Idem

- (5c) Where the Commission directs that profits or losses of a subsidiary or subsidiaries of an industrial company shall not be included in the earnings statement, unless the Commission otherwise directs, there shall be set out therein, by note or otherwise, the interest of the company in the profits or losses of the subsidiary or subsidiaries and the extent to which that interest has been included in the earnings statement for the years and period covered by the statement.

Idem

- (6) Where, before the date of the prospectus, an industrial company that has carried on business for less than five years acquires control of a business that has been carried on for a longer period than the business of the company, for the purposes of clause *a* of subsection 5, the company is deemed to have carried on business for the same period as the business acquired.

Idem

- (7) Every earnings statement, balance sheet, *pro forma* statement and *pro forma* balance sheet mentioned in subsections 5, 5a and 5b, and any other financial statement or *pro forma* financial statement accompanying the prospectus, shall be drawn up in such

manner and contain such information as the Commission may from time to time require.

- (7a) Every earnings statement, balance sheet, *pro forma* statement and *pro forma* balance sheet mentioned in subsections 5, 5a and 5b shall be approved by the board of directors and the approval evidenced by the signatures at the foot of every balance sheet and every *pro forma* balance sheet of two or more directors authorized to signify such approval. Approval of financial statements by board of directors
- (8) The auditor or accountant eligible for appointment as auditor of an industrial company shall make such examination as will enable him to report as required by subsection 8a. Examination by auditor or accountant
- (8a) A prospectus of an industrial company shall be accompanied by a report by the auditor of the company or, where the Commission permits, by an accountant eligible for appointment as auditor of the company, upon every earnings statement, *pro forma* statement, balance sheet and *pro forma* balance sheet that accompanies a prospectus. Report of auditor or accountant
- (8b) The auditor or accountant shall state in the report whether in his opinion, Contents of report of auditor or accountant
 - (a) every earnings statement presents fairly the results of the operations for the years and period covered;
 - (b) every balance sheet presents fairly the financial position as at the date at which it is made up;
 - (c) every *pro forma* statement presents fairly, after giving effect to the assumptions on which it is based, the results of the operations for the years and period covered;
 - (d) every *pro forma* balance sheet presents fairly, after giving effect to the assumptions on which it is based, the financial position as at the date at which it is made up.
- (8c) The auditor or accountant shall be a person acceptable to the Commission. Auditor or accountant to be acceptable to Commission
- (8d) There shall be filed with the Commission, in the form that the Commission requires, a consent by the auditor or accountant to the use of his report required under subsection 8a. Consent by auditor or accountant to use of report

R.S.O. 1950,
c. 351, s. 40,
subss. 5-7,
re-enacted

5. Subsections 5, 6 and 7 of section 40 of *The Securities Act* are repealed and the following substituted therefor:

Financial
statements

(5) A prospectus of an investment company shall be accompanied by,

- (a) an earnings statement of the company and, unless the Commission otherwise directs, of all its subsidiaries, showing all profits or losses and the nature and source thereof year by year for the last five completed financial years of the Company and any part of a subsequent financial year to the date at which the balance sheet required by clause *c* is made up, or for such shorter or longer period as the Commission may require, but not for a longer period than five additional years;
- (b) a statement showing each category of surplus of the company and, unless the Commission otherwise directs, of all its subsidiaries, for the years and period covered by the earnings statement; and
- (c) a balance sheet of assets and liabilities of the company and, unless the Commission otherwise directs, of all its subsidiaries, as at a date not more than 120 days before the date of the prospectus or such other date as the Commission may accept.

Idem

(5a) Where the proceeds of the securities offered by the prospectus of an investment company are to be applied in whole or in part directly or indirectly in the purchase of one or more businesses, the prospectus shall be accompanied by,

- (a) a *pro forma* statement combining the net profits or net losses of the business or businesses with those of the company or companies covered by the earnings statement for the years and period mentioned in clause *a* of subsection 5 or, if the Commission so requires, a statement showing all profits or losses and the nature and source thereof of the business or businesses year by year for the last five completed financial years of the business or businesses and any part of a subsequent year to the date to which the balance sheet required by clause *c* of subsection 5 is made up, or to such other date or for such shorter or longer period as the Commission may require,

but

but not for a longer period than five additional years;

- (b) a *pro forma* balance sheet showing the assets to be acquired and the liabilities to be assumed and the assets and liabilities of the company or companies covered by the balance sheet mentioned in clause *c* of subsection 5 as at the date at which the balance sheet is made up or, if the Commission so requires, a statement showing the assets to be acquired and the liabilities to be assumed; and
 - (c) a statement containing such further information as to each category of surplus of the company or companies or the business or businesses to be acquired as the Commission may require.
- (5b) Every balance sheet and *pro forma* balance sheet^{Idem} of an investment company shall include a statement, as at the date of the balance sheet, of the portfolio of investments of the company and all its subsidiaries and the statement shall be drawn up to classify investments as follows and show, for each class, the aggregate value at which each class of investment is carried on the books of the company and all its subsidiaries, the basis for that value, and the aggregate market value where obtainable:
- (a) securities of or guaranteed by the Government of Canada;
 - (b) securities of or guaranteed by the government of any province of Canada;
 - (c) securities of any municipal corporation in Canada;
 - (d) securities of or guaranteed by any government in the Commonwealth or any colony or dependency thereof;
 - (e) securities of or guaranteed by the government of any foreign country or state forming a portion of any foreign country;
 - (f) mortgages and agreements for sale; and
 - (g) other classes of securities listing each class and issue separately, and showing for each

issue,

issue, where applicable, the quantity held, principal amount, maturity date, interest or dividend rate, cost, valuation on the books, basis for that value, and market value where obtainable;

provided that one group of investments, not more than 10 per cent of the aggregate value at which all investments in the portfolio are carried on the books of the company and all its subsidiaries, may be listed in one amount as miscellaneous securities.

Idem

(5c) The Commission may require the prospectus of an investment company to be accompanied by a *pro forma* balance sheet showing the assets and liabilities of the company and, unless the Commission otherwise directs, of all its subsidiaries, as at the date at which the balance sheet required by clause *c* of subsection 5 is made up, giving effect to the sale, issue or redemption of securities issued or to be issued by the company and to such other transactions as the Commission may require.

Idem

(5d) Where the Commission directs that the profits or losses of a subsidiary or subsidiaries of an investment company shall not be included in the earnings statement, unless the Commission otherwise directs, there shall be set out therein, by note or otherwise, the interest of the company in the profits or losses of the subsidiary or subsidiaries and the extent to which that interest has been included in the earnings statement for the years and period covered by the statement.

Idem

(5e) Where, before the date of the prospectus, an investment company that has carried on business for less than five years acquires control of a business that has been carried on for a longer period than the business of the company, for the purposes of clauses *a* and *b* of subsection 5, the company is deemed to have carried on business for the same period as the business acquired.

Idem

(6) Every earnings statement, balance sheet, *pro forma* statement, *pro forma* balance sheet and statement of surplus mentioned in subsections 5, 5a and 5c, and any other financial statement or *pro forma* financial statement accompanying the prospectus, shall be drawn up in such manner and contain such information as the Commission may from time to time require.

- (6a) Every earnings statement, balance sheet, *pro forma* statement, *pro forma* balance sheet and statement of surplus mentioned in subsections 5, 5a and 5c shall be approved by the board of directors and the approval evidenced by the signatures at the foot of every balance sheet and every *pro forma* balance sheet of two or more directors authorized to signify such approval.
- (7) The auditor or accountant eligible for appointment as auditor of an investment company shall make such examination as will enable him to report as required by subsection 7a.
- (7a) A prospectus of an investment company shall be accompanied by a report by the auditor of the company or where the Commission permits by an accountant eligible for appointment as auditor of the company, upon every earnings statement, *pro forma* statement, balance sheet, *pro forma* balance sheet and statement of surplus that accompanies a prospectus.
- (7b) The auditor or accountant shall state in the report whether in his opinion,
- (a) every earnings statement presents fairly the results of the operations for the years and period covered;
 - (b) every balance sheet presents fairly the financial position as at the date at which it is made up and the statement of the portfolio of investments mentioned in subsection 5b presents fairly the information which it purports to present;
 - (c) every *pro forma* statement presents fairly, after giving effect to the assumptions on which it is based, the results of the operations for the years and period covered;
 - (d) every *pro forma* balance sheet presents fairly, after giving effect to the assumptions on which it is based, the financial position as at the date at which it is made up and the statement of the portfolio of investments mentioned in subsection 5b presents fairly the information which it purports to present;
 - (e) every statement of surplus presents fairly the transactions set out in the statement.

(7c)

Auditor or
accountant
to be accept-
able to
Commission

(7c) The auditor or accountant shall be a person acceptable to the Commission.

Consent by
the auditor
or account-
ant to use of
report

(7d) There shall be filed with the Commission, in the form that the Commission requires, a consent by the auditor or accountant to the use of his report required under subsection 7a.

R.S.O. 1950,
c. 351, s. 50,
amended

6. Section 50 of *The Securities Act* is amended by adding thereto the following subsection:

Idem

(2) Clause *c* of subsection 1 need not be complied with if the written confirmation contains a statement that the name of the person or company from or to or through whom the security was bought or sold will be furnished to the customer upon request.

Transition
period

7. Until the 1st day of July, 1956, the Ontario Securities Commission may, in its discretion, accept such financial statements accompanying the prospectus of a mining, industrial or investment company as would be required if sections 3, 4 and 5 had not been passed.

Commence-
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Securities Amendment Act, 1956*.

CHAPTER 82

An Act to amend The Seed Potatoes Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of section 1 of *The Seed Potatoes Act* is repealed and the following substituted therefor: R.S.O. 1950,
c. 355, s. 1,
cl. *b*,
re-enacted

(b) “Director” means Director of the Field Crops Branch of the Department of Agriculture.

(2) Clause *c* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1950,
c. 355, s. 1,
cl. *c*,
re-enacted

(c) “grower” means any person who grows potatoes.

2. Section 15 of *The Seed Potatoes Act* is amended by adding thereto the following clause: R.S.O. 1950,
c. 355, s. 15,
amended

(aa) defining classes of persons and exempting such classes from the Act and the regulations.

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Seed Potatoes Amendment Act, 1956*. Short title

CHAPTER 83

An Act to amend The Separate Schools Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of the declaration set out in subsection R.S.O. 1950,
11 of section 26 of *The Separate Schools Act* is amended c. 356, s. 26,
by striking out “said” in the second line, so that the clause subs. 11,
shall read as follows: amended

(c) That I am a supporter of the Roman Catholic Separate School in School Section No.....

(2) Subsection 13 of the said section 26 is amended by R.S.O. 1950,
striking out “seven” in the first line and inserting in lieu c. 356, s. 26,
thereof “eight”, so that the subsection shall read as follows: subs. 13,
amended

(13) When the meeting is held at eight o'clock in the Polling at
afternoon the supporters present may decide by meetings
resolution that the polling shall take place forthwith
or at ten o'clock on the following morning, and if it
takes place forthwith the poll shall close when ten
minutes have elapsed without any vote being
recorded.

2. Section 49 of *The Separate Schools Act* is amended by R.S.O. 1950,
adding thereto the following clause: c. 356, s. 49,
amended

(f) to suspend any pupil guilty of persistent truancy, disciplinary powers
or persistent opposition to authority, habitual
neglect of duty, the use of profane or improper
language, or conduct injurious to the moral tone of
the school, and to notify the parent or guardian of
the pupil and the board of the suspension, but the
parent or guardian of any pupil suspended may
appeal against the action of the teacher to the board
which shall have power to remove, confirm or modify
the suspension.

3. This Act may be cited as *The Separate Schools Amend-* Short title
ment Act, 1956.

CHAPTER 84

An Act to amend The Settled Estates Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Subsection 2 of section 1 of *The Settled Estates Act* is R.S.O. 1950,
c. 357, s. 1,
subs. 2,
repealed
- 2.** Subsection 1 of section 19 of *The Settled Estates Act* is R.S.O. 1950,
c. 357, s. 19,
subs. 1,
re-enacted
 - (1) Subject to the provisions of this section, every Consent to application
application to the court under this Act shall be made
with the concurrence or consent of all those in
existence having any estate or beneficial interest
under the settlement and of all trustees having any
estate or interest on behalf of any unborn child.
- 3.** Clauses *b*, *d* and *h* of subsection 1 of section 32 of *The Settled Estates Act* are repealed. R.S.O. 1950,
c. 357, s. 32,
subs. 1,
cls. *b*, *d*, *h*,
repealed
- 4.** This Act may be cited as *The Settled Estates Amendment Act, 1956*. Short title

CHAPTER 85

**An Act to amend
The St. Lawrence Development Act, 1952
(No. 2)**

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The St. Lawrence Development Act, 1952*,^(2nd Sess., c. 3, s. 1, amended) (No. 2) is amended by adding thereto the following clause:

(dd) “owner” includes mortgagee, lessee, tenant, occupant or any person entitled to a limited estate or interest, and a guardian, committee, executor, administrator or trustee in whom land or any property or interest therein is vested.

(2) Clause *h* of the said section 1 is repealed and the following substituted therefor:^(2nd Sess., c. 3, s. 1, cl. *h*, re-enacted)

(h) “works” includes all roads, plant, machinery, buildings, erections, construction, installations, materials, devices, fittings, apparatus, appliances, equipment and other property for the development, generation, transformation, transmission, conveying, distribution, supply or use of power, or required for or incidental to the other matters authorized by this Act.

2. Subsection 1 of section 13 of *The St. Lawrence Development Act, 1952*,^(2nd Sess., c. 3, s. 13, subs. 1, amended) (No. 2) is amended by inserting after “Board”, so that the subsection shall read as follows:

(1) Where notice has been given by the Commission under section 12, no claim of any kind for compensation in respect of the subject-matter of the notice shall be referred to the Board by the owner unless the claim and particulars thereof have been filed with the Commission within the period prescribed

in the notice or within such further period as may in any case be agreed upon by the Commission.

1952
(2nd Sess.),
c. 3, s. 23,
amended

3. Section 23 of *The St. Lawrence Development Act, 1952* (No. 2) is amended by adding at the end thereof "and subsection 8 of section 24 of *The Power Commission Act* applies *mutatis mutandis* to every act and proceeding of the Commission under this Act", so that the section shall read as follows:

Compensa-
tion to be
under Act

23. All claims and proceedings in respect of compensation or damages for any land or property acquired, taken or used in or injuriously affected in the carrying out of the purposes of this Act shall be brought under and in accordance with this Act and not otherwise, and subsection 8 of section 24 of *The Power Commission Act* applies *mutatis mutandis* to every act and proceeding of the Commission under this Act.

R.S.O. 1950,
c. 281

4. *The St. Lawrence Development Act, 1952* (No. 2) is amended by adding thereto the following section:

Interpreta-
tion

23a.—(1) In this section,

- (a) "cemetery" means any land that is set apart or used as a place for the burial of the dead or in which human bodies have been buried;
- (b) "cemetery owner" means a person who owns, controls or manages a cemetery;
- (c) "lot" means a plot, grave or burial site in a cemetery.

Powers of
Commission
respecting
cemeteries
in affected
area:
Closing of
cemetery

(2) Where in the opinion of the Commission it is necessary to flood, submerge or otherwise affect a cemetery for the purposes of this Act, it may apply to the Lieutenant-Governor in Council for an order closing the cemetery, and upon the Lieutenant-Governor in Council making an order so doing, the cemetery vests forthwith in the Commission.

Substituted
cemetery

(3) Where a cemetery has been closed under this section, the Commission at its expense shall make available to the cemetery owner if requested in writing by him an equivalent area of land and shall put it into suitable condition for cemetery purposes, and if requested in writing by a lot owner in the cemetery so closed the cemetery owner shall make available to him, without cost to the lot owner, an equivalent lot in the substituted cemetery and shall accept for reburial in such substituted cemetery any human body removed under this section from the cemetery so closed.

(4) Notwithstanding *The Cemeteries Act* or any other ^{Submerging cemetery} Act, where a cemetery has been closed under this R.S.O. 1950, section, the Commission may flood or submerge it ^{c. 46} whether or not all human bodies buried therein have been removed, but no such cemetery shall be flooded or submerged until six months after the Commission has given notice of its intention so to do by publication once each week for four successive weeks in a newspaper having general circulation in the locality in which the cemetery is situate.

(5) Every such notice shall state,

Notice

- (a) the location of the cemetery to be flooded or submerged;
- (b) the location of the cemetery which will be provided by the Commission if requested in accordance with subsection 3 in substitution for the cemetery to be flooded or submerged;
- (c) that any lot owner may by written notice to the Commission, given within thirty days from the date of the last publication of the Commission's notice, require the Commission to remove to the substituted cemetery any human body buried in such lot.
- (6) Where a lot owner has required the Commission to ^{Removal of bodies} remove a human body from the cemetery to be flooded or submerged, the Commission at its expense shall remove such human body to the substituted cemetery, but, where a lot owner requests that a human body be removed to a cemetery other than the substituted cemetery, the Commission shall assume only so much of the cost of removal as it would have been required to pay if the body had been removed to the substituted cemetery.
- (7) Sections 30, 31 and 32 of *The Cemeteries Act* apply to the disinterment, removal and reburial of human bodies under this section. ^{Application of R.S.O. 1950, c. 46, ss. 30-32}
- (8) The Commission shall remove all monuments, headstones or other markers from the cemetery to be flooded or submerged to the substituted cemetery and shall re-erect the same therein. ^{Monuments}
- (9) Where the Commission has carried out its duties in accordance with this section, it has no further obligation or liability for damages or compensation ^{Liability limited}

to

to cemetery owners or lot owners in respect of the matters dealt with in this section.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The St. Lawrence Development Amendment Act, 1956*.

CHAPTER 86

An Act to amend The Summary Convictions Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Summary Convictions Act*, R.S.O. 1950, c. 379, s. 3, as re-enacted by section 1 of *The Summary Convictions Amendment Act, 1955*, 1955, c. 83, s. 1, subs. 1, is amended by inserting after “sections”, amended in the second line “20”, so that the subsection shall read as follows:

(1) Except where inconsistent with this Act, Parts XIX and XXIV and sections 20, 21, 22, 446 (in so far as it relates to a witness), 621, 623, 624, 625, 682, 683, 684 and 689 of the *Criminal Code* (Canada), as 1953-54, c. 51 (Can.) amended or re-enacted from time to time, apply *mutatis mutandis* to every case in which this Act applies as if the provisions thereof were enacted in and formed part of this Act.

2. *The Summary Convictions Act* is amended by adding R.S.O. 1950, c. 379, s. 3, thereto the following section:

7b. Where a conviction adjudges a pecuniary penalty or compensation to be paid by a corporation or an order requires the payment of a sum of money by a corporation, whether the law authorizing such conviction or order does or does not provide a mode of raising or levying the penalty, compensation or sum of money, or of enforcing the payment thereof, the justice by his conviction or order after adjudging payment of such penalty, compensation or sum of money, with or without costs, may order and adjudge that in default of payment thereof forthwith, or within a limited time, such penalty, compensation or sum of money and costs, if the conviction or order is made with costs, shall be levied by distress and sale of sufficient goods and chattels of the corporation, and for such purpose the justice may issue a warrant

of distress commanding a peace officer forthwith to make sufficient distress of the goods and chattels of the corporation, and if within ten days after the making of the distress the penalty, compensation or sum of money and costs, if the conviction or order is made with costs, together with the reasonable charges of taking and keeping the distress, are not paid, then to sell the goods and chattels and to pay the money arising from the sale to the justice, and if no such distress is found, to notify the justice of such fact.

R.S.O. 1950,
e. 379,
amended

3. *The Summary Convictions Act* is amended by adding thereto the following section:

Appeal to
Court of
Appeal

12a. An appeal to the Court of Appeal as provided by this Act may be taken by the informant or complainant or by any party to the proceedings in the Court from which the appeal lies.

Commencement

4.—(1) This Act, except section 3, comes into force on the day it receives Royal Assent.

Idem

(2) Section 3 shall be deemed to have come into force on the 1st day of December, 1955.

Short title

5. This Act may be cited as *The Summary Convictions Amendment Act, 1956.*

CHAPTER 87

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal years ending the 31st day of March, 1956, and the 31st day of March, 1957

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from the Honourable Preamble Louis Orville Breithaupt, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums mentioned in the schedules to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1956, and for the fiscal year ending the 31st day of March, 1957, and for other purposes connected with the public service; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1. In addition to the sum of \$429,389,000 granted by *The Supply Act, 1955*, there may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$47,805,000 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1955, to the 31st day of March, 1956, as set forth in Schedule A to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the supplementary estimates upon which such schedule is based.

2. There may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$494,690,000 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1956, to the 31st day of March, 1957, as set forth in Schedule B to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which such schedule is based.

Accounting
for
expenditure

3. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Supply Act, 1956*.

SCHEDULE A

| | |
|-----------------------------------|---------------|
| Agriculture Department..... | \$ 1,010,000 |
| Education Department..... | 8,590,000 |
| Health Department..... | 8,605,000 |
| Highways Department..... | 28,500,000 |
| Municipal Affairs Department..... | 100,000 |
| Treasury Department..... | 1,000,000 |
| | <hr/> |
| | \$ 47,805,000 |

SCHEDULE B

| | |
|--|---------------|
| Agriculture Department..... | \$ 11,140,000 |
| Attorney-General's Department..... | 14,731,000 |
| Economics Department..... | 230,000 |
| Education Department..... | 102,537,000 |
| Health Department..... | 57,810,000 |
| Highways Department..... | 164,591,000 |
| Insurance Department..... | 276,000 |
| Labour Department..... | 11,652,000 |
| Lands and Forests Department..... | 15,773,000 |
| Lieutenant-Governor's Office..... | 20,000 |
| Mines Department..... | 2,337,000 |
| Municipal Affairs Department..... | 3,599,000 |
| Planning and Development Department..... | 8,464,000 |
| Prime Minister's Office..... | 112,000 |
| Provincial Auditor's Office..... | 335,500 |
| Provincial Secretary's Department..... | 2,026,000 |
| Public Welfare Department..... | 29,864,000 |
| Public Works Department..... | 50,903,000 |
| Reform Institutions Department..... | 10,773,000 |
| Travel and Publicity Department..... | 994,000 |
| Treasury Department..... | 6,522,500 |
| | <hr/> |
| | \$494,690,000 |

CHAPTER 88

An Act to amend The Territorial Division Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Territorial Division Act* is amended by adding R.S.O. 1950, c. 388, amended thereto the following section:

10a. Notwithstanding sections 6, 7, 8 and 9, where doubt exists as to the township in which an island or other tract of land or lands covered with water lies, the Ontario Municipal Board upon application under *The Municipal Corporations Quieting Orders Act* may declare the township in which the same lies. Where doubt exists as to township in which any land lies R.S.O. 1950, c. 245

2. Clause *e* of section 11 of *The Territorial Division Act* R.S.O. 1950, c. 388, s. 11, cl. *e*, repealed

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Territorial Division Amendment Act, 1956*. Short title

CHAPTER 89

An Act to amend The Tile Drainage Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 13 of *The Tile Drainage Act* is R.S.O. 1950,
repealed and the following substituted therefor: c. 392, s. 13,
subs. 2,
re-enacted
- (2) No person by reason of having borrowed money under this Act shall be disqualified from being elected as a member of council or from sitting or voting therein provided no member of council shall vote on any question affecting an application for a loan in which he has an interest. Members of council not disqualified by loan
2. Form 6 of *The Tile Drainage Act* is amended by striking out paragraphs 2 and 3. R.S.O. 1950,
c. 392,
Form 6,
amended
3. This Act comes into force on the day it receives Royal Assent. Commencement
4. This Act may be cited as *The Tile Drainage Amendment Act, 1956.* Short title

CHAPTER 90

An Act to amend The Training Schools Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 7 of *The Training Schools Act* R.S.O. 1950, c. 396, s. 7, subs. 2, re-enacted is repealed and the following substituted therefor:

- (2) Where a boy or girl is brought before a judge under subsection 1, the judge, without any formal information being required, shall in the presence of the boy or girl hear the evidence of and on behalf of the person who has brought the boy or girl before him and shall make reasonable inquiry into the truth of such evidence.
- (2a) All such evidence shall be given under oath and shall be taken down and transcribed,

 - (a) where the proceedings are in a juvenile and family court that has a stenographer who is a member of the staff of such court, by that stenographer; and
 - (b) where the proceedings are not in a juvenile and family court or where the juvenile and family court does not have a stenographer who is a member of the staff of such court, by a stenographer appointed by the judge.

- (2b) Stenographers appointed under clause b of subsection 2a or the employers of such stenographers shall be allowed the fees for taking down and transcribing evidence prescribed by *The Magistrates Act*, 1952, c. 53 Stenographers' fees 1952, c. 53 and such fees shall be payable by the municipality to which the child concerned in the proceedings belongs and where the child belongs to territory without municipal organization they shall be payable out of any money appropriated for the administration of justice in provisional judicial districts.

R.S.O. 1950,
c. 396, s. 9,
re-enacted

2. Section 9 of *The Training Schools Act* is repealed and the following substituted therefor:

Copy of
evidence
to superin-
tendent
and Board

9. Where a judge orders that a boy or girl be sent to a training school under section 7 or directs that a person be sent to a training school under section 8, the judge shall cause a copy of the evidence taken before him to be sent to the superintendent of the training school and a copy to the Board.

Short title

3. This Act may be cited as *The Training Schools Amendment Act, 1956*.

CHAPTER 91

An Act to amend The Trustee Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of subsection *2a* of section 37 of *The Trustee Act*, R.S.O. 1950, c. 400, s. 37, as enacted by subsection 1 of section 1 of *The Trustee Amendment Act, 1951*, (1951, c. 88, s. 1, subs. 1), is repealed and the following substituted therefor:

cl. *b*,
re-enacted

(b) any judgment in favour of or against the administrator *ad litem* in any such action has the same effect as a judgment in favour of or against, as the case may be, the deceased person, but it has no effect whatsoever for or against the administrator *ad litem* in his personal capacity.

2. This Act shall be deemed to have come into force on the 5th day of April, 1951.

Commencement

3. This Act may be cited as *The Trustee Amendment Act*, Short title 1956.

CHAPTER 92

**An Act to repeal
The Unwrought Metal Sales Act**

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** *The Unwrought Metal Sales Act* is repealed. R.S.O. 1950,
c. 404,
repealed
- 2.** This Act comes into force on the day it receives Royal Assent. Commencement
- 3.** This Act may be cited as *The Unwrought Metal Sales Repeal Act, 1956*. Short title

CHAPTER 93

An Act to amend The Workmen's Compensation Act

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 1 of *The Workmen's Compensation Act*, R.S.O. 1950, c. 430, s. 1, as enacted by subsection 4 of section 1 of *The Workmen's Compensation Amendment Act, 1952*, subs. 3 (1952, c. 114), is amended by striking out "\$4,000" in the thirteenth line and inserting in lieu thereof "\$5,000".
2. Section 11 of *The Workmen's Compensation Act*, R.S.O. 1950, c. 430, s. 11, as amended by section 3 of *The Workmen's Compensation Amendment Act, 1951*, is further amended by striking out "\$4,000" in the amendment of 1951 and inserting in lieu thereof "\$5,000".
3. Subsection 1 of section 43 of *The Workmen's Compensation Act*, R.S.O. 1950, c. 430, s. 43, as amended by section 3 of *The Workmen's Compensation Amendment Act, 1951*, is further amended by striking out "\$4,000" in the amendment of 1951 and inserting in lieu thereof "\$5,000".
4. Subsection 1 of section 97 of *The Workmen's Compensation Act*, R.S.O. 1950, c. 430, s. 97, as amended by section 3 of *The Workmen's Compensation Amendment Act, 1951*, is further amended by striking out "\$4,000" in the amendment of 1951 and inserting in lieu thereof "\$5,000".
5. Section 119a of *The Workmen's Compensation Act*, R.S.O. 1950, c. 430, s. 119a, as enacted by section 4 of *The Workmen's Compensation Amendment Act, 1952*, is amended by striking out "\$4,000" in the ninth line and inserting in lieu thereof "\$5,000".
6. This Act comes into force on the 1st day of January, 1957, and applies only in respect of accidents happening on or after that date.
7. This Act may be cited as *The Workmen's Compensation Amendment Act, 1956*.

PART II
PRIVATE ACTS
Chapters 94 to 128

CHAPTER 94

An Act respecting Assumption College

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

WHEREAS Assumption College by its petition has prayed for special legislation varying the provisions of its Act of incorporation in respect of the matters hereinafter set out and changing its name to Assumption University of Windsor; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of section 1 of *The Assumption College Act, 1953* is repealed.
1953, c. 111,
s. 1, cl. *c*,
repealed

(2) The said section 1 is amended by adding thereto the following clause:
1953, c. 111,
s. 1,
amended

(*k*) “University” means Assumption University of Windsor.

2. Section 2 of *The Assumption College Act, 1953* is repealed.
1953, c. 111,
s. 2, re-enacted
and the following substituted therefor:

2. The Corporation of Assumption College is hereby continued as a body corporate with perpetual succession under the name “Assumption University of Windsor” and, subject to the provisions of this Act, shall have, hold, possess and enjoy all the property, rights, powers and privileges which it now has, holds, possesses or enjoys, and, subject to the provisions of this Act, all by-laws, orders and regulations of the Corporation now in force shall continue in force until amended or repealed.
Corporation
continued

3. Section 3 of *The Assumption College Act, 1953* is amended by adding thereto the following clause:
1953, c. 111,
s. 3,
amended

(*c*) The power to affiliate with or take into affiliation other universities, colleges and institutions of learning.

1953, c. 111,
s. 15, subs. 1,
re-enacted **4.** Subsection 1 of section 15 of *The Assumption College Act, 1953* is repealed and the following substituted therefor:

Chancellor

(1) There shall be a Chancellor of the University who shall be elected by the Board of Governors and who shall hold office for a term of four years and shall be eligible for re-election for one further term of four years.

1953, c. 111,
s. 24, re-
enacted

5. Section 24 of *The Assumption College Act, 1953* is repealed and the following substituted therefor:

Short title

24. This Act may be cited as *The Assumption University of Windsor Act, 1953*.

1953, c. 111,
amended

6. *The Assumption College Act, 1953* is amended by striking out "College" wherever it occurs in sections 1 to 21 respectively and inserting in lieu thereof "University".

Agreement
with Essex
College
ratified

7. The agreement between Assumption College and Essex College bearing date the 24th day of January, 1956, set forth as the Schedule hereto, is hereby ratified and confirmed, and declared to be legal, valid and binding upon the parties thereto, and the said parties are hereby empowered to carry out their respective obligations and exercise their respective privileges thereunder.

Commence-
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Assumption University of Windsor Act, 1956*.

SCHEDULE

ARTICLES OF AGREEMENT made in duplicate this 24th day of January, 1956.

BETWEEN:

ASSUMPTION COLLEGE, a body corporate with head office at the City of Windsor, in the County of Essex and Province of Ontario, hereinafter called "Assumption College",

—and—

ESSEX COLLEGE, a body corporate with head office at the said City of Windsor, hereinafter called "Essex College".

WHEREAS Assumption College, incorporated by an Act entitled An Act to Incorporate Assumption College, Sandwich, in the Diocese of London, being Chapter 136 of the Statutes of the Province of Canada, 1858, having conducted and maintained an institution of learning for nearly 100 years, under the direction and control of the Congregation of St. Basil, was granted university powers by The Assumption College Act, 1953, being Chapter 111 of the Statutes of the Province of Ontario, 1953;

AND WHEREAS Essex College, incorporated under The Corporations Act, 1953, of the Province of Ontario, with the object of conducting and maintaining a non-denominational institution of learning but without the power to confer degrees, has petitioned Assumption College for the status of an affiliated College of Pure Science;

AND WHEREAS such petition, having received the favourable approval and acceptance of the Board of Governors, The Board of Regents and the Senate of Assumption College, is hereby granted;

AND WHEREAS the parties hereto desire to effect through a spirit of co-operation a permanent enlargement of the opportunities for university education in the City of Windsor and its environs.

WITNESSETH in consideration of the mutual promises, covenants, agreements and declarations hereinafter made, the parties hereto, their successors and assigns, respectively, do hereby promise, covenant, agree and declare as follows:

1. Essex College is hereby granted the status of, and does hereby agree to become an affiliated college in the Faculty of Arts and Science of Assumption College.

2. Assumption College shall confer upon Essex College students who become entitled such university degrees and other awards as the Senate of Assumption College shall from time to time determine. The membership of the aforesaid Senate shall be comprised of such persons as determined by the said Assumption College Act, 1953, provided such other persons as the Board of Governors of Assumption College may determine pursuant to Section 18, Subsection 1 (i) of said Act in this paragraph mentioned shall during the affiliation aforesaid, unless otherwise agreed, comprise the following persons and no others: The Principal of each constituent and affiliated college; the Vice-President of Assumption College; the head of each department; the Director of Education of Windsor; the Medical Officer of Health of Windsor; the Chief Librarian of Windsor; the Senior Judge of Essex County; the representative of the Ontario Department of Agriculture in Essex County; two representatives appointed by each of the following: Windsor City Council, Essex County Council and Windsor Board of Education; one representative appointed by each of the following: Chatham City Council; Sarnia City Council; Essex County Medical Association; Essex County Dental Association;

Essex County Law Association; Essex County Pharmacists' Association; Windsor Chapter, Society of Industrial and Cost Accountants of Ontario; Windsor District Chartered Accountants' Association; Border Cities Branch, Engineering Institute of Canada; Essex-Kent Section, Chemical Institute of Canada; Essex Chapter, Registered Nurses Association of Ontario; District One, Ontario Secondary School Teachers Federation; Windsor Chamber of Commerce; Windsor Council of Churches; Roman Catholic Deanery of Essex; Congregation Shaar Hashomayim; Windsor Jewish Community Council; Windsor Separate School Board; University Women's Club of Windsor; Essex and Kent Counties Trades and Labour Congress; Local 195 UAW-CIO, Local 200 UAW-CIO; the High School Inspectors of Essex and Kent Counties; the Public School Inspectors of Essex and Kent Counties; the Separate School Inspectors of Essex and Kent Counties; and ten representatives appointed by the said Senate.

3. Membership in the Board of Regents of Assumption College shall afford representation to the community of Windsor and the surrounding area with due regard to the economic, ethnic and religious composition of such community. The objects and duties of such Board shall be advisory in the general direction of university effort with particular reference to finance, public relation and integration of a university program. Future appointments to the Board of Regents shall be made in accordance with the constitution of such Board, which constitution shall be enacted as a by-law of Assumption College, and shall have due regard to the interests of Essex College and all other affiliated colleges.

4. Membership in Essex College and the Board of Directors thereof shall afford representation to the community of Windsor and the surrounding area with due regard to the economic, ethnic and religious composition of such community. The President of Assumption College shall be ex-officio a member of the Board of Directors of Essex College.

5. Financial control of Assumption College shall belong to and be maintained by the Board of Governors of Assumption College after hearing the recommendations of the Board of Regents of Assumption College; financial control of Essex College shall belong to and be maintained by the Board of Directors of Essex College; for interlocking financial arrangements, a committee composed of members in equal numbers appointed by the Board of Governors of Assumption College and the Board of Directors of Essex College shall be established who may make recommendations to the Boards of both colleges in interlocking financial matters.

6. Public appeals for money or other contributions shall be undertaken by either Assumption College or Essex College only with the written approval of the Board of Regents of Assumption College evidenced by a copy of the resolution authorizing such appeal or appeals; each college shall retain as its own property any and all gifts, bequests, devises, scholarships, endowments or grants of any kind which may from time to time be made to it. Grants made to a particular academic department shall belong to the college which at that time has the responsibility for such academic department.

7. Unless and until otherwise mutually agreed, Assumption College under the responsibility of its Board of Governors shall assume the following departments or courses in an academic unit to be known as University College, that is, Classics, Economics and Political Science, English, History, modern Languages, Philosophy, Psychology, Slavonic Studies, Sociology and Theology, and Essex College shall assume the following courses or departments, that is, Biology, Botany, Chemistry, Geography, Geology, Mathematics, Physics and Zoology; until distinct faculties or schools are established by the Senate and Board of Governors of Assumption College, University College shall assume the following departments or courses, that is, Home Economics, Library Science, Music and Fine Arts and Essex College shall assume the following courses or departments, that is, Business Administration, Engineering and Nursing Education. The aforesaid academic responsibilities shall not be duplicated by the parties hereto but may be revised from time to time upon mutual agreement; unless and until otherwise mutually agreed, all students until the completion of their second year beyond the Senior Matriculation level will be called University College students, and Essex College will be regarded, so far as students are concerned not departments as a Senior College of Science.

8. Each college shall have power to appoint its own instructional staff; appointments and promotions of staff members shall be made in accordance with established university procedure and with the rules of academic qualification determined by the Senate of Assumption College; a uniform salary schedule in accordance with the practice of similar institutions shall be maintained where reasonably possible; instructors of professorial rank shall enjoy tenure.

9. Essex College shall engage as members of its first instructional staff all of those present staff members of Assumption College engaged in those departments or courses which are to be assumed by Essex College and does hereby guarantee that such persons shall enjoy the same benefits to which they are now entitled.

10. Essex College shall assume such share of responsibility as may be agreed upon for the maintenance of certain facilities determined by mutual agreement owned by Assumption College and shared by the students of Essex College in common with the students of University College and other affiliated colleges; Essex College shall not be obligated to assume responsibility for additional facilities unless by express agreement; each college shall pay to the other for such services as may be rendered to students of one by the other such amounts for compensation as may be from time to time mutually agreed upon; Essex College shall pay to Assumption College for services rendered by members of religious orders on the staff of Essex College such amounts for compensation as may be from time to time agreed upon in accordance with the Salary schedule for such services.

11. Assumption College shall give to Essex College and other affiliated colleges adequate notice of meetings of the Board of Governors when dealing with the affairs of the university as a whole as distinct from matters concerning University College and shall permit attendance of representatives of Essex College and other affiliated colleges at such meetings.

12. In the event affiliation shall be discontinued, Assumption College shall have the right to purchase from Essex College at the fair market value thereof as determined by independent appraisal or at such price as the parties hereto may agree upon all buildings erected by Essex College on lands leased from Assumption College.

13. The within agreement shall remain in full force and effect until the 30th day of June, 1961, and thereafter for successive 5-year periods unless and until either party has given notice to the other of its desire to modify, alter or amend the within agreement as hereinafter provided. Either party may, on or before the 24th day of January, 1960, or on or before the 24th day of January in the fourth year of any succeeding 5-year period, give written notice to the other of its desire to modify, alter or amend, in which event, unless the parties hereto have agreed to modify, alter or amend the within agreement by the 30th day of June, 1960, or the 30th day of June in the fourth year of any succeeding 5-year period, the same shall be concluded on the 30th day of June, 1961, or on the 30th day of June in the fifth year of any succeeding 5-year period.

14. This agreement is binding upon and shall enure to the benefit of the parties hereto, their successors and assigns, respectively.

IN WITNESS WHEREOF the said parties hereto have hereunto set their corporate seal and hands and seals, respectively, the day and the year first above written.

ASSUMPTION COLLEGE

E. C. LEBEL,
President.
P. J. M. SWAN,
Secretary.

ESSEX COLLEGE .

(Seal) W. D. ARISON,
President.
W.M. WHITESIDE,
Secretary.

CHAPTER

CHAPTER 95

An Act respecting The Beechwood Cemetery Company of the City of Ottawa

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

WHEREAS The Beechwood Cemetery Company of the ^{Preamble} City of Ottawa, hereinafter called the Company, by its petition has represented that it was incorporated under *An Act to incorporate "The Beechwood Cemetery Company of the City of Ottawa"*, being chapter 149 of the Statutes of Ontario, 1873; that by section 3 of its Act of incorporation the Company was empowered to acquire, take and hold a tract of land in the Township of Gloucester, in the County of Carleton, not exceeding 400 acres, and to sell and otherwise dispose of such land in lots, plots or parcels to be used exclusively as a cemetery or place of burial of the dead; that in pursuance of the said power the Company has acquired land in the said Township not in excess of 400 acres, and that parts of the said land are not used for any purpose and have not been sold for the purpose of burial of the dead, and that included in the said unused parts is a parcel measuring 250 feet in frontage on St. Laurent Boulevard by a depth of 250 feet which will not be required for the purposes of the cemetery and for the burial of the dead; that by an agreement dated January 26th, 1956, the Company has undertaken to sell the said parcel of land to The Roman Catholic Episcopal Corporation of Ottawa and that a condition of the proposed sale is that special legislation be enacted whereby the Company will be empowered to validly convey the said parcel of land to the proposed purchaser notwithstanding the provisions of its Act of incorporation; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding *An Act to incorporate "The Beechwood Cemetery Company of the City of Ottawa"*, being chapter 149 of the Statutes of Ontario, 1873, The Beechwood Cemetery Company of the City of Ottawa is hereby empowered to validly sell to The Roman Catholic Episcopal Corporation ^{Sale authorized}

of Ottawa, for the purposes of the Corporation, and to validly convey to it, subject only to any right of any predecessor in title, the lands described as follows:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Ottawa, formerly in the Township of Gloucester, in the County of Carleton and Province of Ontario, BEING COMPOSED of part of Lot Three (3), Junction Gore of the Township of Gloucester, now in the City of Ottawa, which said part of said Lot may be more particularly described as follows:

COMMENCING at a point in the easterly boundary of the said lot distant 612.98 feet measured northerly along the easterly boundary of the said lot from the south-east angle of said lot Three (3) which point is the north-east angle of the lands described in registered Instrument No. 4551; thence westerly and at right angles to the easterly boundary of said lot and on a bearing South $68^{\circ} 11'$ West along the northerly limit of the lands described in said registered Instrument No. 4551 and its production westerly a distance of 250 feet; thence northerly and parallel to the easterly limit of the said lot and on a bearing North $21^{\circ} 49'$ West a distance of 250 feet; thence easterly and parallel to the northerly limit of the lands described in the said registered Instrument No. 4551 and on a bearing North $68^{\circ} 11'$ East a distance of 250 feet to the easterly limit of the said lot; thence southerly and along the easterly limit of the said lot and on a bearing South $21^{\circ} 49'$ East a distance of 250 feet to the point of commencement.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Beechwood Cemetery Company of the City of Ottawa Act, 1956.*

CHAPTER 96

An Act respecting The Canada Board of American Missions of The United Lutheran Church in America

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

WHEREAS The Canada Board of American Missions of Preamble The United Lutheran Church in America, hereinafter called the Corporation, by its petition has represented that it was incorporated by *An Act to incorporate The Canada Board of American Missions of The United Lutheran Church in America*, passed by the Parliament of Canada on the 2nd day of May, 1939, and being chapter 62 of the Statutes of Canada, 1939; that the usefulness of the Corporation would be advanced and the purposes for which it was incorporated would be further promoted if the provisions of the said Act were declared to be and to have been in force in Ontario since the passing of the said Act; and that certain other powers be conferred upon the Corporation; and whereas the petitioner has prayed that special legislation be passed for such purposes; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In so far as the legislative authority of the Legislature extends, *An Act to incorporate The Canada Board of American Missions of The United Lutheran Church in America*, being chapter 62 of the Statutes of Canada, 1939, is declared to be and to have been in force in Ontario since the 2nd day of May, 1939.

2. The Corporation has full power to exercise in Ontario all the rights, powers and privileges granted to it by sections 7 and 8 of its Act of incorporation without being required to take out a licence in mortmain or to otherwise comply with the provisions of *The Mortmain and Charitable Uses Act*.

3. All acts done by the Corporation in Ontario since the 2nd day of May, 1939, are hereby ratified and confirmed and in Ontario any or all claims to forfeiture which may have arisen since the

2nd day of May, 1939, to the day this Act comes into force
are hereby waived and relinquished.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Canada Board of American Missions of The United Lutheran Church in America Act, 1956*.

CHAPTER 97

**An Act respecting the
Canadian National Exhibition Association**

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

WHEREAS the Canadian National Exhibition Association by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 2 of section 5 of *The Canadian National Exhibition Association Act, 1948*, c. 105, s. 5, subs. 2, is amended by inserting after "council" in the fourth line "the Chairman of the Council of The Municipality of Metropolitan Toronto", so that the clause shall read as follows:

- (a) the Mayor of the City of Toronto, all other members *ex officio* members of the council of the said City, the Chief Constable of the said City, all other permanent heads of civic departments appointed by the said council, the Chairman of the Council of The Municipality of Metropolitan Toronto, and the respective heads of the councils of the following municipalities in the Greater Toronto area:

the Town of Mimico,
the Town of New Toronto,
the Town of Weston,
the Town of Leaside,
the Village of Swansea,
the Village of Long Branch,
the Village of Forest Hill,
the Township of Etobicoke,
the Township of York,
the Township of North York,
the Township of East York, and
the Township of Scarborough,

all of whom shall be *ex officio* members of the Association.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Canadian National Exhibition Association Act, 1956.*

CHAPTER 98

**An Act respecting
Canadian Pacific Railway Company**

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

WHEREAS Canadian Pacific Railway Company by its *Preamble* petition has represented that a petition has been made to the Parliament of Canada for an Act vesting in Canadian Pacific Railway Company the assets and undertakings of the companies listed in Schedules A and B and dissolving the companies listed in Schedule A; and whereas Canadian Pacific Railway Company has prayed that in so far as the legislative authority of the Legislature extends, the assets and undertakings of the companies listed in Schedules A and B be vested in Canadian Pacific Railway Company and that the company listed in Schedule B be dissolved; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In so far as the legislative authority of the Legislature extends, the powers, rights, privileges, franchises, assets, effects and properties, real and personal, belonging to or possessed by the companies listed in Schedules A and B or to which they are or would hereafter have been or become entitled, are hereby vested in Canadian Pacific Railway Company.

Assets of
companies
vested in
C.P.R.

2. The company listed in Schedule B is hereby dissolved.

Midland
Simcoe
Railway Co.
dissolved

3. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commencement

4. This Act may be cited as *The Canadian Pacific Railway Company Act, 1956.*

Short title

SCHEDULE A

SCHEDULE A

The Campbellford, Lake Ontario and Western Railway Company
The Fort William Terminal Railway and Bridge Company
The Georgian Bay and Seaboard Railway Company
The Guelph and Goderich Railway Company
The South Ontario Pacific Railway
The Walkerton and Lucknow Railway Company

SCHEDULE B

The Midland Simcoe Railway Company

CHAPTER 99

An Act respecting the City of Chatham

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

WHEREAS The Corporation of the City of Chatham, Preamble hereinafter called the Corporation, by its petition has represented that under the terms of the original grant from the Crown of the lands known as Victoria Park, in the said City, the use of the lands is restricted, and has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The lands comprised of Victoria Park, more particularly Lands vested in Corporation described as follows:

Containing by admeasurement 10 acres, more or less, composed of part of the block of land in the City of Chatham bounded by Gaol Street, Prince Street, Murray Street and the northeastern boundary of the said City, which is now occupied by the said Corporation as a Town Park, described as follows by Provincial Land Surveyor Arthur Jones in a description, dated 29th November, 1869, of Record in the Crown Land Department, that is to say: Commencing at the distance of one chain and 13 links from the easterly boundary of the Agricultural ground at the point where the easterly side of First Avenue intersects the southerly limit of Gaol Street; Thence south 26 degrees 30 minutes east parallel to the easterly limit of the said Agricultural ground 11 chains 70 links to the southerly fence of the Town Park; Thence north 70 degrees 15 minutes east parallel to Murray Street and following the said fence 9 chains 95 links to the Town Park fence upon the westerly limit of McGregor Street; Thence northwest parallel to the easterly limit of the City of Chatham and following the said fence 15 chains 90 links to the southerly limit of Gaol Street, and thence westerly along the said southerly side of Gaol Street 5 chains 41 links to the place of beginning,

shall be vested in fee simple in the Corporation.

2. The trust imposed in the original grant of the said Trust annulled lands from the Crown, whereby the lands were to be held by the Corporation for a Public Park, is hereby annulled.

3. Notwithstanding anything in the said original grant Power to sell, etc. from the Crown, the Corporation shall have the power to

sell,

sell, lease, convey and contract in regard to the said lands, and every part thereof.

Execution
of
documents

4. Every disposition of or contract in regard to the said lands, or any part thereof, shall be under the seal of the Corporation and signed by the Mayor and Clerk thereof for the time being.

Application
of proceeds

5. The proceeds of every disposition by the Corporation of the said lands under this Act shall be held and applied by the Corporation for the general purposes or uses of the Corporation.

Commencement

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The City of Chatham Act, 1956*.

CHAPTER 100

**An Act respecting
the Chatham Board of Education and
the Chatham Suburban High School District**

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

WHEREAS The Board of Education for the City of Chatham and The Chatham Suburban District High School Board by their petition have prayed for special legislation to validate and confirm an agreement dated the 11th day of October, 1955, as amended by an agreement dated the 10th day of January, 1956, between the said Boards; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The agreement between The Board of Education for the City of Chatham and The Chatham Suburban District High School Board dated the 11th day of October, 1955, as amended and executed by both parties thereto, set forth as the Schedule hereto, is hereby validated and confirmed and declared to be legal and binding upon the parties thereto. Agreement validated

2. Notwithstanding *The Secondary Schools and Boards of Education Act, 1954* or any other general or special Act, the County of Kent shall not be entitled to any representation on The Board of Education for the City of Chatham so long as the agreement remains in force. Representation of Kent County 1954, c. 87

3. Notwithstanding *The Secondary Schools and Boards of Education Act, 1954* or any other general or special Act, the councils of the townships of Dover, Harwich, Chatham and Raleigh in the County of Kent shall each be entitled to appoint one representative to The Board of Education for the City of Chatham in the manner provided in the agreement so long as the agreement remains in force. Representation of townships

4.—(1) The Board of Education for the City of Chatham is hereby empowered to erect, maintain and operate a school ^{of school} or schools on the parcel of land in the Township of Dover in the County of Kent described in Schedule B hereto and on

one of the parcels of land described in Schedule C hereto in the Township of Raleigh in the County of Kent in the same manner as if the said lands were within the City of Chatham.

Assessment
and
taxation

(2) Notwithstanding subsection 2 of section 58 of *The Schools Administration Act, 1954* or any other Act, on and after the day construction of a school is commenced on any parcel of such land, such parcel of land and the buildings thereon shall be exempt from assessment and taxation except for local improvement and drainage rates.

Effect of
Act
1954,
cc. 87, 86

5. In so far as the provisions hereof alter, vary or conflict with any of the provisions of *The Secondary Schools and Boards of Education Act, 1954*, *The Schools Administration Act, 1954* or any other Act relating to education or the administration of schools, the provisions of this Act prevail.

Commencement

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Chatham and Suburban Secondary Schools Act, 1956*.

SCHEDULE A

AGREEMENT made this Eleventh day of October, A.D. 1955.

BETWEEN:

THE BOARD OF EDUCATION FOR THE CITY OF CHATHAM,
hereinafter called the "Party"

OF THE FIRST PART,

—and—

THE CHATHAM SUBURBAN DISTRICT HIGH SCHOOL
BOARD, hereinafter called the "Party"

OF THE SECOND PART.

WHEREAS it is the duty of the Party of the Second Part to provide adequate accommodation for its pupils;

AND WHEREAS the said Party of the Second Part has been using the schools of the Party of the First Part for this purpose;

AND WHEREAS the Secondary Schools operated by the Party of the First Part have become overcrowded and in order to accommodate the pupils of the Parties it is necessary to build additional secondary school facilities;

AND WHEREAS the Parties hereto are desirous of entering into an equitable arrangement by which it will be possible for the pupils of both Parties to be provided with adequate secondary school accommodation;

AND WHEREAS to provide such accommodation it will be necessary for the Party of the First Part to expand Its facilities and incur heavy capital expenditures.

NOW THIS INDENTURE WITNESSETH:—

1 (a). The Party of the Second Part agrees to send to the Secondary Schools of the Party of the First Part and to pay for as hereinafter provided all eligible resident pupils under the Jurisdiction of the Party of the Second Part. The Party of the First Part agrees to admit to any of the Secondary Schools under Its Jurisdiction the said pupils under the same conditions as the pupils of the Party of the First Part.

1 (b). The Party of the Second Part covenants and agrees with the Party of the First Part that It will not, during the period that this agreement remains in force, enter into any agreement with any Board other than the Party of the First Part or other person or persons for the education of Its pupils.

2. The Party of the Second Part will pay the Party of the First Part for the tuition of such pupils a per diem rate calculated in accordance with Sub-Section Two of Section Sixty-Nine of *The Secondary Schools and Boards of Education Act, 1954*.

3. It is understood by and between the Parties hereto that in order to carry out Its obligations under this Contract it will be necessary for the Party of the First Part to expand Its Secondary School facilities and for this purpose to raise considerable capital sums by the issue of debentures. Accordingly, the Party of the First Part covenants and agrees that It will have placed on the ballot at the next Municipal Election in December of 1955 a suitable question by which the ratepayers of the City of Chatham will be asked to express their approval of the issue of debentures in the sum of not more than One Million, Three Hundred and Fifty Thousand, Nine Hundred Dollars (\$1,350,900.00), and for a term of not more than twenty years, for the expansion of Secondary School facilities in the City of Chatham.

4. The Parties hereto mutually covenant and agree that in the event the ratepayers of the City of Chatham should give a negative answer to the question hereinbefore referred to in Paragraph 3 of this Agreement, then this Agreement shall become null and void and of no effect whatsoever.

5. It is further understood and agreed by and between the Parties hereto that this Agreement will have to be ratified by a Special Act of the Legislative Assembly of Ontario and the Parties hereto mutually covenant that in the event the ratepayers of the City of Chatham give an affirmative answer to the question as set out in paragraph three hereof then the Parties hereto will immediately proceed with all possible speed to apply to have such Legislation enacted.

6 (a). The Parties hereto mutually covenant and agree that in the event such Special Act as referred to in Paragraph five hereof is not enacted at any session of the Legislative Assembly of Ontario held in the year 1956 then this Agreement shall become null and void and of no effect whatsoever.

6 (b). The Parties hereto further mutually covenant and agree that in the event the Legislative Assembly of Ontario shall enact Special Legislation in respect of this Agreement but which in the opinion of either of the Parties hereto changes this Agreement in any material manner then such Party may at any time within thirty days of such enactment serve the other Party with a notice declaring this Agreement null and void and upon receipt of such notice the said Agreement shall at once become null and void and of no effect whatsoever.

7. The Parties hereto mutually covenant and agree that in the Legislation referred to in Paragraph five hereof provision shall be made to eliminate the Representative of the County of Kent from the Board of Education for the City of Chatham and for there to be added to the Board of Education for the City of Chatham four additional members, one to be appointed by the Council of the Township of Dover, one to be appointed by the Council of the Township of Harwich, one to be appointed by the Council of the Township of Chatham and one to be appointed by the Council of the Township of Raleigh. Such additional members shall only vote or otherwise take part in any of the proceedings of the Board exclusively affecting Secondary Schools. Such additional members shall be appointed for a term of two years and shall be appointed from the members of the Chatham Suburban District High School Board.

8. This Agreement may be amended from time to time in writing under the seal of both Parties hereto, supported by Resolutions of both Parties hereto, and such amendment shall take effect upon Its execution as if forming part of this Agreement.

9. This Agreement shall come into force on Its Execution by both Parties hereto and unless terminated by mutual consent or by the provisions of Section four or six hereof remain in full force and effect until the final payment of the debentures issued by the Party of the First Part to provide the additional Secondary School facilities contemplated hereunder or any other debentures issued by the Party of the First Part for Secondary School purposes while this Agreement is in force.

10. This Agreement shall remain in force so long as debentures either of the original issue contemplated herein or any subsequent debenture issue remains unpaid and thereafter until terminated by notice given by the Party of the Second Part as hereinafter provided.

11. The Party of the Second Part may provided no debentures remain unpaid give notice in writing to the Party of the First Part stating its intention to terminate this Agreement. Such notice of discontinuance shall set a date for discontinuance not earlier than two school years after the thirtieth day of June next following the date of the notice.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their Corporate Seals attested by Their Proper Officers thereunto appointed.

FLORENCE COBLEY

(Corporate Seal)

WINNIFRED MILLER

(Corporate Seal)

THE BOARD OF EDUCATION FOR THE
CITY OF CHATHAM:

H. A. TANSER.

ROBERT CAMPBELL,
Chairman.

THE CHATHAM SUBURBAN DISTRICT
HIGH SCHOOL BOARD:

D. C. A. McDONNELL,
Vice-Chairman.

QUINCY L. NIGHSWANDER,
Secretary-Treasurer.

SCHEDULE B

ALL AND SINGULAR that certain parcel or tract of land, situate, lying and being in the Township of Dover, County of Kent and Province of Ontario, being composed of Part of Lot 18, Registered Plan 412 in the said Township and being more particularly described as follows:

COMMENCING at the most southerly angle of said Lot 18;

Thence northwesterly along the southwesterly limit of said Lot seven hundred and fifty-two and eighty-four one-hundredths feet (752.84');

Thence northeasterly parallel with the southeasterly limit of said Lot eight hundred and sixty-seven and ninety-one one-hundredths feet (867.91');

Thence southeasterly parallel with the southwesterly limit of said Lot seven hundred and fifty-two and eighty-four one-hundredths feet (752.84') to the southeasterly limit of said Lot;

Thence southwesterly along the southeasterly limit of said Lot eight hundred and sixty-seven and ninety-one one-hundredths feet (867.91') more or less to the point of commencement.

Containing by admeasurement 15 acres more or less.

SCHEDULE C

SCHEDULE C

First Parcel

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Raleigh, County of Kent, Province of Ontario, and being composed of part of Lot Twenty-three (23), Concession 2, E.B., in the Township of Raleigh, containing fifteen (15) acres more particularly described as COMMENCING at the point of intersection of the southeast limit of said Lot Twenty-three (23) being the northwest limit of the road allowance between Concessions Two and Three and the southwest limit of Lot Seventeen (17), Plan 522; Thence southwesterly along said road allowance to the centre of the Creek known as Mud Creek Drain; Thence in a northwesterly direction along the centre of said Drain to a point where a line drawn parallel with said road allowance in a northeasterly direction to said Plan Number 522 would enclose exactly fifteen (15) acres.

Second Parcel

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Raleigh, County of Kent, Province of Ontario, COMMENCING 750 feet from the northwest corner of the north half of Lot No. 22, Concession 2, E.B., for the Township of Raleigh and 924 feet from Park Avenue along the westerly side of the herein described Lot, except for a road allowance of 60 feet wide where the property touches the Mud Creek Drain, a distance of about 180 feet on the southeast corner of said area. It is further understood by and between the parties hereto that this area does not cross the Mud Creek Drain.

CHAPTER 101

An Act respecting the Town of Chelmsford

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

WHEREAS The Corporation of the Town of Chelmsford Preamble by its petition has represented that the Corporation has been required by the Chelmsford Public School Board to borrow the sum of \$45,000 by the issue of debentures for the purpose of paying for the construction of and the furnishing of a public school, and has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 563 of The Corporation of the Town of Chelmsford which was read a first and second time on the 7th day of November, 1955, set forth as the Schedule hereto, authorizing the issue of debentures of the Corporation in the principal amount of \$45,000 to pay the costs of constructing and furnishing a public school, is hereby declared to be a by-law duly passed by the council of the Corporation and is confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof.

2. Sections 61, 62, 63 and 64 of *The Ontario Municipal Board Act* shall apply in respect of By-law No. 563 and the 1950, c. 262 debentures to be issued thereunder.

3. This Act comes into force on the day it receives Royal Assent.

4. This Act may be cited as *The Town of Chelmsford Act*, 1956.

SCHEDEULE

THE CORPORATION OF THE TOWN OF CHELMSFORD

BY-LAW NO. 563

A by-law to authorize the borrowing of \$45,000.00 upon debentures for the purpose of constructing a Public School.

WHEREAS the Chelmsford Public School District comprises the Town of Chelmsford and Part of the Township of Balfour;

AND WHEREAS The Chelmsford Public School Board of the Town of Chelmsford has applied to the Council of the Town of Chelmsford for the sum of \$45,000.00 to be raised by the issue of Municipal debentures for the purpose of constructing a Public School to serve the Town of Chelmsford and part of the Township of Balfour;

AND WHEREAS the Council of the Town of Chelmsford have by resolution approved the said application;

AND WHEREAS it is necessary and expedient that the Corporation of the Town of Chelmsford should raise the sum of Forty-five Thousand Dollars, by the issue of debentures and bearing interest at the rate set out in Schedule "A" hereto attached;

AND WHEREAS it is expedient that the Principal of the said debt shall be repayable in yearly instalments and interest in semi-yearly instalments during the years 1956 to 1975 both inclusive, in the respective amounts set forth in Schedule "A" hereto attached, the aggregate amount payable for the principal and interest in each year shall be nearly as possible the same, subject to the statutory proviso that each instalment of principal may be for an even \$100.00, \$500.00 or \$1,000.00 or multiple thereof, and that notwithstanding anything herein contained, the annual instalments of principal and interest may differ in amount sufficiently to admit thereof;

AND WHEREAS the amount of the whole rateable property of the municipality according to the last revised assessment roll thereof is \$579,113.00;

AND WHEREAS the amount of the existing debenture debt of the Corporation, is \$93,200.00, Ninety Three Thousand Two Hundred Dollars, of which no part of the principal or interest is in arrears;

THEREFORE The Council of the Town of Chelmsford enacts as follows:

1. For the purpose aforesaid the Corporation shall borrow upon the credit of the Corporation a sum of Forty-five Thousand Dollars, and shall issue debentures therefor in sums of not less than \$100.00 each. Each debenture shall bear interest at the rate of five per centum (5%) per annum, payable annually and shall have coupons attached thereto for the payment of such interest.

2. The debentures shall be dated the first day of December, 1955, and shall be made payable in twenty (20) annual instalments, interest payable semi-annually on the first day of June and the first day of December in each of the years 1956 to 1975, both inclusive, and the respective amounts of principal and interest payable in each of the said years shall be the amount so designated in Schedule "A" attached to and forming part of this By-law.

3. The debentures shall be made payable as to principal and interest in lawful money of Canada at the option of the Holder, at the Bank of Nova Scotia, Chelmsford, Toronto, Ottawa, Ontario, and at Montreal, Quebec.

4. The said debenture shall be sealed with the Seal of the Corporation and signed by the head of the council or by some other person authorized by by-law to sign the same, and by the Treasurer. The said interest coupons shall be signed by the Treasurer and his signature thereon may be written, stamped, lithographed, or engraved.

5. Commencing in the year 1956 and thereafter in each year in which an instalment of principal of the said debt and interest become due, the Corporation shall levy and raise the specific sum shown for the respective year in the fourth column on the said Schedule. Such sum shall be levied and raised by special rate sufficient therefor, over and above all other rates upon all the rateable property in the municipality assessed to Public School supporters.

6. The said debentures may contain a clause providing for the registration thereof pursuant to Section 335 of the Municipal Act.

7. Pending the Sale of the said debentures, the head of the Council and the Treasurer may raise for the purpose aforesaid by way of loan on such debentures, any sums of money not exceeding in all, the sum hereby authorized to be borrowed and may hypothecate such debentures for such loan.

8. The Corporation shall have the right, at its option to redeem the said debentures maturing in the last maturity only on any date prior to maturity at the places where and in the monies in which the said debentures are expressed to be payable, upon payment of the principal amount thereof, together with interest accrued to the date of redemption, and upon giving previous notice of said intention to redeem by advertising once in *The Ontario Gazette* and once in a daily newspaper of general provincial circulation, published in the City of Toronto, and once in a local newspaper, if any, such notice to be advertised as aforesaid, at least thirty days before the date fixed for redemption. Notice of intention so to redeem shall also be sent by post at least thirty days prior to the date set forth such redemption to each person in whose name a debenture so to be redeemed is registered, at the address shown in the Debenture Registry Book.

READ A FIRST AND SECOND TIME this seventh day of November,
A.D. 1955.

LEO VAILLANCOURT,
Mayor.

(SEAL)

J. O. HUNEAULT,
Clerk.

Schedule "A"

\$45,000.00

THE CORPORATION OF THE TOWN OF CHELMSFORD

DISTRICT OF SUDBURY

ONTARIO

5% Debentures

Dated: December 1st, 1955

Due: December 1, 1956-1975

| | Principal | Semi- Annual Interest | Annual Payment | Balance |
|--------------------|--------------------|-----------------------------|--------------------|--------------|
| Dec. 1st, 1955.... | | | | \$45,000.00 |
| June 1st, 1956.... | | \$ 1,125.00 | | |
| Dec. 1st, 1956.... | \$ 1,500.00 | 1,125.00 | \$ 3,750.00 | 43,500.00 |
| June 1st, 1957.... | | 1,087.50 | | |
| Dec. 1st, 1957.... | 1,500.00 | 1,087.50 | 3,675.00 | 42,000.00 |
| June 1st, 1958.... | | 1,050.00 | | |
| Dec. 1st, 1958.... | 1,500.00 | 1,050.00 | 3,600.00 | 40,500.00 |
| June 1st, 1959.... | | 1,012.50 | | |
| Dec. 1st, 1959.... | 1,500.00 | 1,012.50 | 3,525.00 | 39,000.00 |
| June 1st, 1960.... | | 975.00 | | |
| Dec. 1st, 1960.... | 1,500.00 | 975.00 | 3,450.00 | 37,500.00 |
| June 1st, 1961.... | | 937.50 | | |
| Dec. 1st, 1961.... | 2,000.00 | 937.50 | 3,875.00 | 35,500.00 |
| June 1st, 1962.... | | 887.50 | | |
| Dec. 1st, 1962.... | 2,000.00 | 887.50 | 3,775.00 | 33,500.00 |
| June 1st, 1963.... | | 837.50 | | |
| Dec. 1st, 1963.... | 2,000.00 | 837.50 | 3,675.00 | 31,500.00 |
| June 1st, 1964.... | | 787.50 | | |
| Dec. 1st, 1964.... | 2,000.00 | 787.50 | 3,575.00 | 29,500.00 |
| June 1st, 1965.... | | 737.50 | | |
| Dec. 1st, 1965.... | 2,000.00 | 737.50 | 3,475.00 | 27,500.00 |
| June 1st, 1966.... | | 687.50 | | |
| Dec. 1st, 1966.... | 2,000.00 | 687.50 | 3,375.00 | 25,500.00 |
| June 1st, 1967.... | | 637.50 | | |
| Dec. 1st, 1967.... | 2,500.00 | 637.50 | 3,775.00 | 23,000.00 |
| June 1st, 1968.... | | 575.00 | | |
| Dec. 1st, 1968.... | 2,500.00 | 575.00 | 3,650.00 | 20,500.00 |
| June 1st, 1969.... | | 512.50 | | |
| Dec. 1st, 1969.... | 2,500.00 | 512.50 | 3,525.00 | 18,000.00 |
| June 1st, 1970.... | | 450.00 | | |
| Dec. 1st, 1970.... | 2,500.00 | 450.00 | 3,400.00 | 15,500.00 |
| June 1st, 1971.... | | 387.50 | | |
| Dec. 1st, 1971.... | 3,000.00 | 387.50 | 3,775.00 | 12,500.00 |
| June 1st, 1972.... | | 312.50 | | |
| Dec. 1st, 1972.... | 3,000.00 | 312.50 | 3,625.00 | 9,500.00 |
| June 1st, 1973.... | | 237.50 | | |
| Dec. 1st, 1973.... | 3,000.00 | 237.50 | 3,475.00 | 6,500.00 |
| June 1st, 1974.... | | 162.50 | | |
| Dec. 1st, 1974.... | 3,000.00 | 162.50 | 3,325.00 | 3,500.00 |
| June 1st, 1975.... | | 87.50 | | |
| Dec. 1st, 1975.... | 3,500.00 | 87.50 | 3,675.00 | |
| | <u>\$45,000.00</u> | <u>\$26,975.00</u> | <u>\$71,975.00</u> | <u>.....</u> |

CHAPTER 102

An Act respecting the Town of Chelmsford (No. 2)

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

WHEREAS The Corporation of the Town of Chelmsford Preamble by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 525 of The Corporation of the Town of Chelmsford, set forth as Schedule A hereto, which was read a first and second time on the 31st day of August, 1953, and finally passed on the 21st day of December, 1953, authorizing the construction of certain watermains, is hereby confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof.

2. By-law No. 537 of The Corporation of the Town of Chelmsford, set forth as Schedule B hereto, which was read a first and second time on the 28th day of May, 1954, and finally passed on the 31st day of January, 1956, authorizing the borrowing of \$20,000 upon debentures for watermain extension purposes and the issuing of debentures therefor, is hereby confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof.

3.—(1) Notwithstanding section 5 of By-law No. 537,

(a) the special assessments and rates set out in the special assessment roll, set forth as Schedule C hereto, shall be valid and binding upon all persons concerned and upon the lands specially assessed and the works in respect of which such special assessment roll has been made shall be conclusively deemed to have been lawfully undertaken;

(b) in each year of the currency of the debentures issued under such by-law the balance of the sum required to pay the annual debenture charges shall be collected and paid out of water works revenue.

Special
assessments
and rates
validated

Idem

(2) All assessments made and rates charged during the years 1954 and 1955 shall be valid and binding upon all such persons and lands.

Application
of R.S.O.
1950, c. 262

4. Sections 61, 62, 63 and 64 of *The Ontario Municipal Board Act* shall apply in respect of By-laws Nos. 525 and 537 and the debentures to be issued thereunder.

Lands
annexed

5.—(1) The lands described in Schedule D hereto shall be deemed to have been annexed to and to have formed part of the Town of Chelmsford for all purposes from and after the 7th day of June, 1927.

Assessments,
etc.,
confirmed

(2) All assessments made and rates charged or collected by The Corporation of the Town of Chelmsford with respect to such lands are hereby confirmed and declared to be legal, valid and binding.

Tax sales
confirmation

(3) All sales of land within the area annexed to the Town of Chelmsford by this section purporting to have been made by The Corporation of the Town of Chelmsford for arrears of taxes purported to have been payable to the Corporation with respect to the lands so sold are hereby confirmed and declared to be legal, valid and binding.

Appeals
preserved
R.S.O. 1950,
c. 24

(4) Nothing in this section shall deprive any person of any right of appeal provided under *The Assessment Act*.

Commencement

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Town of Chelmsford Act, 1956 (No. 2)*.

SCHEDULE A

BY-LAW No. 525

WHEREAS it has been duly declared by a Resolution dated the 13th day of July, 1953, passed by a vote of two-thirds of all members of the Council, desirable that the construction of the work hereinafter described shall be undertaken as a Local Improvement; and

WHEREAS notice of the intention of the Council to undertake such work was duly published more than twenty-one days prior to the passing of this By-law; and

WHEREAS the Council has procured to be made the reports, estimates and statements required for the undertaking of the said work;

THEREFORE the council of The Corporation of the Town of Chelmsford enacts as follows:

1. *Firstly:* That as so declared the following Watermain be constructed from the end of the present main on St. Joseph Street, south on Charette Street to Lots 248 and 249.

Secondly: From the end of the present main on Errington Street East on Gratton Street to Coté Street.

Thirdly: From Lot 239 on Errington Street South to Hill Street and thence east on Hill Street to Charette Street.

Fourthly: From St. Joseph Street south on Coté Street to Gratton Street.

All of which at an estimated total cost of \$18,380.00 of which the owners' share is estimated to be \$15,728.00 and the Corporation's share is \$2,652.00, as provided by plans and specifications furnished by the Engineer for the Corporation, as a Local Improvement, under provisions of *The Local Improvement Act*.

2. That the Engineer of the Corporation do forthwith make such plans, profiles and specifications and furnish such information as may be necessary for the carrying on and executing of the work by day labour.

3. The work shall be carried on and executed under the superintendence and according to the direction and orders of the Corporation's Engineer.

4. The Treasurer may, subject to the approval of the Council, agree with any Bank or person for temporary advances of money to meet the cost of the work pending the completion of it.

5. The Special Assessment shall be paid by fifteen annual instalments.

6. The debentures to be issued for the loan to be effected to pay for the cost of the work when completed shall bear interest at such rate as this Council may determine and be made payable within fifteen (15) years on the instalment plan.

7. Any person whose lot is specially assessed may commute for a payment in cash the special rates imposed thereon by paying the portion of the cost of construction assessed upon such lot, without the interest, forthwith after the special assessment roll has been certified by the Clerk, and at any time thereafter by the payment of such sum as when invested at five per cent per annum will provide an annuity sufficient to pay the special rates for the unexpired portion of the term as they fall due.

READ A FIRST AND SECOND TIME this thirty-first day of August,
A.D. 1953.

J. A. GRATTON,
Mayor.

(Seal)

J. O. HUNEAULT,
Clerk.

Finally passed in Open Council this twenty-first day of December,
A.D. 1953.

J. A. GRATTON,
Mayor.

(Seal)

J. O. HUNEAULT,
Clerk.

SCHEDULE B

BY-LAW No. 537

THE CORPORATION OF THE TOWN OF CHELMSFORD

A By-law authorizing the borrowing of \$20,000.00
upon debentures for watermain extension purposes.

WHEREAS it is expedient to borrow for the construction of additional watermains in the Town of Chelmsford a sum not exceeding \$20,000.00 upon the credit of the corporation, to issue debentures therefor bearing interest at the rate of 5% per annum payable (semi-) annually and to provide for the discount and the expenses incidental to negotiation and sale of such debentures;

AND WHEREAS it is expedient to make the principal of the said debt repayable in annual instalments during the period of fifteen years next after the date of issue of such debentures, of such amounts respectively that, with the interest in respect of the debt, the aggregate amount payable for principal and interest in each year shall be, as nearly as possible, the same;

AND WHEREAS the amount of the whole rateable property of the municipality, according to the last revised assessment roll thereof is \$525,470.00;

AND WHEREAS the amount of the existing debenture debt of the Corporation, exclusive of local improvement debts secured by special rates or assessments, is \$105,931.00, and no part of the principal or interest of such debt is in arrear;

AND WHEREAS by Certificate No.-54-D-74 dated the 10th day of March, 1954, the Department of Health of Ontario has approved the purpose of the said borrowing;

AND WHEREAS by Order dated the 2nd day of April, 1954, the Ontario Municipal Board has approved the purpose of the said borrowing and the passing of all requisite by-laws, including debenture by-laws;

AND WHEREAS the Department of Municipal Affairs on December 18th, 1953, has approved the purpose of the said borrowing;

Therefore the Council of the Corporation of the Town of Chelmsford enacts as follows:

1. For the purpose aforesaid the Corporation shall borrow upon the credit of the Corporation a sum not exceeding \$20,000.00 and shall issue debentures therefor in sums of not less than \$50.00 each. Each

debenture

debenture shall bear interest at the rate of five percentum (5%) per annum payable (semi-) annually and shall have coupons attached thereto for the payment of such interest.

2. All the debentures shall bear the same date, shall be issued at one time and within two years after the day on which this By-law is passed, may bear any date within such two years and shall be made payable in annual instalments during the period of 15 years next after the date of issue thereof, and the respective amounts of principal and interest payable in each of such years shall be the amounts so designated in Schedule "A" hereto annexed.

3. The debentures shall be payable as to both principal and interest in lawful money of Canada and may be made payable at such place or places in Canada as shall be designated thereon.

4. The said debentures shall be sealed with the Seal of the Corporation and signed by the Head of the Council, or by some other person authorized by By-law to sign the same, and by the Treasurer. The said interest coupons shall be signed by the Treasurer and his signature thereon may be written, stamped, lithographed or engraved.

5. Commencing in the year 1956 and thereafter in each year in which an instalment of principal of the said debt and interest become due, the Corporation shall levy and raise the specific sum shown for the respective year in the Fourth column of the said Schedule. Such sum shall be levied and raised by a special rate sufficient therefor, over and above all other rates upon all the rateable property in the municipality.

6. The said debentures may contain a clause providing for the registration thereof pursuant to Section 335 of *The Municipal Act*.

7. Pending the sale of the said debentures, the Head of the Council and the Treasurer may raise for the purposes aforesaid by way of loan on such debentures any sum or sums of money not exceeding in all the sum hereby authorized to be borrowed and may hypothecate such debentures for such loan.

8. The Corporation shall have the right, at its option, to redeem the said debentures either in whole or in part on any date prior to maturity at the places where and in the moneys in which the said debentures are expressed to be payable, upon payment of the principal amount thereof together with interest accrued to the date of redemption and upon giving previous notice of said intention to redeem by advertising once in *The Ontario Gazette* and once in a daily newspaper of general provincial circulation, published in the City of Toronto, and once in a local newspaper, such notice to be advertised as aforesaid at least thirty days before the date fixed for redemption. Notice of intention so to redeem shall also be sent by post at least thirty days prior to the date set for such redemption to each person in whose name a debenture so to be redeemed is registered at the address shown in the Debenture Registry Book. Where only a portion of the debentures of this issue is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debenture of this issue shall be called for such redemption in priority to any such debenture that has a later maturity date.

READ A FIRST AND SECOND TIME this 28th day of May, 1954.

J. A. GRATTON,
Mayor.

(Seal)

J. O. HUNEAULT,
Clerk.

READ A THIRD TIME and finally passed this 31st day of January, 1956.

LEO VAILLANCOURT,
Mayor.

(Seal)

J. O. HUNEAULT,
Clerk.

Schedule "A"

Schedule "A"

To By-Law No. 537

of the

CORPORATION OF THE TOWN OF CHELMSFORD

\$20,000.00

5%

Dated: May 1st, 1956*Due:* May 1st, 1957-1971

| | Principal | Semi- Annual Interest | Annual Payment | Balance |
|---------------------|--------------------|-----------------------------|--------------------|-------------|
| May 1st, 1956..... | | | | \$20,000.00 |
| Nov. 1st, 1956..... | | \$ 500.00 | | |
| May 1st, 1957..... | \$ 1,000.00 | 500.00 | \$ 2,000.00 | 19,000.00 |
| Nov. 1st, 1957..... | | 475.00 | | |
| May 1st, 1958..... | 1,000.00 | 475.00 | 1,950.00 | 18,000.00 |
| Nov. 1st, 1958..... | | 450.00 | | |
| May 1st, 1959..... | 1,000.00 | 450.00 | 1,900.00 | 17,000.00 |
| Nov. 1st, 1959..... | | 425.00 | | |
| May 1st, 1960..... | 1,000.00 | 425.00 | 1,850.00 | 16,000.00 |
| Nov. 1st, 1960..... | | 400.00 | | |
| May 1st, 1961..... | 1,000.00 | 400.00 | 1,800.00 | 15,000.00 |
| Nov. 1st, 1961..... | | 375.00 | | |
| May 1st, 1962..... | 1,000.00 | 375.00 | 1,750.00 | 14,000.00 |
| Nov. 1st, 1962..... | | 350.00 | | |
| May 1st, 1963..... | 1,000.00 | 350.00 | 1,700.00 | 13,000.00 |
| Nov. 1st, 1963..... | | 325.00 | | |
| May 1st, 1964..... | 1,000.00 | 325.00 | 1,650.00 | 12,000.00 |
| Nov. 1st, 1964..... | | 300.00 | | |
| May 1st, 1965..... | 1,500.00 | 300.00 | 2,100.00 | 10,500.00 |
| Nov. 1st, 1965..... | | 262.00 | | |
| May 1st, 1966..... | 1,500.00 | 263.00 | 2,025.00 | 9,000.00 |
| Nov. 1st, 1966..... | | 225.00 | | |
| May 1st, 1967..... | 1,500.00 | 225.00 | 1,950.00 | 7,500.00 |
| Nov. 1st, 1967..... | | 187.00 | | |
| May 1st, 1968..... | 1,500.00 | 188.00 | 1,875.00 | 6,000.00 |
| Nov. 1st, 1968..... | | 150.00 | | |
| May 1st, 1969..... | 2,000.00 | 150.00 | 2,300.00 | 4,000.00 |
| Nov. 1st, 1969..... | | 100.00 | | |
| May 1st, 1970..... | 2,000.00 | 100.00 | 2,200.00 | 2,000.00 |
| Nov. 1st, 1970..... | | 50.00 | | |
| May 1st, 1971..... | 2,000.00 | 50.00 | 2,100.00 | |
| | <u>\$20,000.00</u> | <u>\$9,150.00</u> | <u>\$29,150.00</u> | |

SCHEDULE C

SPECIAL ASSESSMENT ROLL

From St. Joseph Street south on Charette Street to Lots 264-265. From Errington Avenue east on Gratton Street to Coté Avenue. From Lot 254 on Errington Avenue to Hill Street, thence on Hill Street to Charette Street. From St. Joseph Street south on Coté Avenue to Lot 250.

| No. on Roll | Name | Con- dition | Lot | Street | No. feet front- age | Rate per foot | No. of Instal- ments |
|-------------------|-----------------------|----------------|---------------------------------|-----------|------------------------------|---------------------|----------------------------|
| 1. | Séguin, Aline..... | O | 254-427 | | | | |
| | | | 246-239 | Errington | 200' | 25c. | 15 |
| 2. | Séguin, Aline..... | O | 238-231 | | | | |
| | | | 230-223 | " | 200' | 25c. | 15 |
| 3. | Bolen, Nick..... | O | 222-215 | | 100' | 25c. | 15 |
| 4. | Vezneau, Florent.... | O | 214 | " | 50' | 25c. | 15 |
| 5. | Topalnesky, Maxwell | O | 207 | " | 50' | 25c. | 15 |
| 6. | Brosseau, Armand.. | O | 206 | " | 50' | 25c. | 15 |
| 7. | Gaudette, Larry.... | O | 199 | " | 50' | 25c. | 15 |
| 8. | Desrosiers, Armand. | O | 198 | " | 50' | 25c. | 15 |
| 9. | Harvey, James..... | O | 191 | " | 50' | 25c. | 15 |
| 10. | Halowsky, Matthew. | O | 190 | " | 50' | 25c. | 15 |
| 11. | Lavery, Andrew.... | O | 183-182-175 | " | 150' | 25c. | 15 |
| 12. | Bazzo, A. G..... | O | 174 | " | 50' | 25c. | 15 |
| 13. | Morris, W. F..... | O | 167 | " | 50' | 25c. | 15 |
| 14. | Bartoli, Ezio..... | O | 166 | " | 50' | 25c. | 15 |
| 15. | Montpellier, Laurier. | O | 158-159 | " | 100' | 25c. | 15 |
| 16. | Merrick, F. W..... | O | 150-151 | " | 100' | 25c. | 15 |
| 17. | Rodrigue, Marcel... | O | 135-142-143 | " | 150' | 25c. | 15 |
| 18. | Vaillancourt, A. B.. | O | 134 | " | 50' | 25c. | 15 |
| 19. | Bisson, Idorice.... | O | 127 | " | 50' | 25c. | 15 |
| 20. | Whalen, Luke..... | O | 119-126 | " | 100' | 25c. | 15 |
| 21. | Mémard, René..... | O | 110-111-118 | " | 150' | 25c. | 15 |
| 22. | Serré, Victor..... | O | 103 | " | 50' | 25c. | 15 |
| 23. | Perreault, Julien.... | O | 104 | Charette | 50' | 25c. | 15 |
| 24. | R.C. Sep. School... | O | 105 | " | 50' | 25c. | 15 |
| 25. | Vaillancourt, A. B.. | O | 108 | " | 50' | 25c. | 15 |
| 26. | Lavoie, Adelard.... | O | 109 | " | 50' | 25c. | 15 |
| 27. | Leroux, Oidor.... | O | 304 | " | 100' | 15c. | 15 |
| 28. | Villeneuve, Cyril.... | O | 305 | " | 100' | 15c. | 15 |
| 29. | Vaillancourt, Dorila. | O | 296 | " | 50' | 25c. | 15 |
| 30. | Vaillancourt, Joffre. | O | 288 | " | 50' | 25c. | 15 |
| 31. | Trottier, Philemon.. | O | 285 | " | 50' | 25c. | 15 |
| 32. | Lacelle, Aldas..... | O | 281-284-289 | | | | |
| | | | 292-297 | " | 250' | 25c. | 15 |
| 33. | Lalonde, Laurent... | O | 293 | " | 50' | 25c. | 15 |
| 34. | Ranger, Olive..... | O | 277-280 | " | 100' | 25c. | 15 |
| 35. | McIntyre, Hector.. | O | 276 | " | 50' | 25c. | 15 |
| 36. | Gareau, Liguori.... | O | 274 | " | 50' | 25c. | 15 |
| 37. | St. Aubin, Nestor... | O | 273 | " | 50' | 25c. | 15 |
| 38. | Robert, Gilles..... | O | 272 | " | 50' | 25c. | 15 |
| 39. | Ranger, Frank..... | O | 269 | " | 50' | 25c. | 15 |
| 40. | Belisle, Emile..... | O | 268 | " | 50' | 25c. | 15 |
| 41. | Gravelle, Roger.... | O | 265 | " | 50' | 25c. | 15 |
| 42. | Gravelle, Marie Anne | O | 264 | " | 50' | 25c. | 15 |
| 43. | Brosseau, Arthur, Jr. | O | 298 and $\frac{1}{2}$ of 291 | Coté Ave. | 75' | 25c. | 15 |
| 44. | Charette, Léo..... | O | 290 and $\frac{1}{2}$ of 291 | " | 75' | 25c. | 15 |
| 45. | Lacelle, Aldas..... | O | 282-283 | " | 100' | 25c. | 15 |
| 46. | Lafontaine, Ernest.. | O | 267 | " | 50' | 25c. | 15 |
| 47. | Lafontaine, Rhéal... | O | 275 | " | 50' | 25c. | 15 |
| 48. | Roy, Jules..... | O | 259-266 | " | 100' | 25c. | 15 |
| 49. | Gardner, Arthur.... | O | 258 and $\frac{1}{2}$ of 251 | " | 75' | 25c. | 15 |
| 50. | Sauvé, Claude..... | O | 250 and $\frac{1}{2}$ of 251 | " | 75' | 25c. | 15 |

SCHEDULE D

SCHEDULE D

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Balfour, in the District of Sudbury and Province of Ontario, being composed of:

Firstly: Part of the west half of the east half of Lot 2, Concession 3 of the said Township.

Secondly: Part of the plan registered in the Office of Land Titles at Sudbury as Registered Plan M-91.

The firstly and secondly mentioned parcels may be more particularly described as follows:

Firstly:

Commencing at a point in the easterly limit of the west half of the east half of said Lot 2, where the same is intersected by the northerly limit of the Sudbury-Levack Highway, according to Department of Highways Plan P-2501-3, which point may be located by beginning at the southwest angle of said Lot 2;

Thence easterly along the southerly limit of said Lot 2, 2,041.54 feet more or less to the limit between the east and west half of the east half of said Lot 2;

Thence northerly along the last mentioned limit, 50 feet to the point of commencement;

Thence continuing northerly along the last mentioned limit to its intersection with the limit between the north and south halves of said Lot 2, said limit being the southerly boundary of the Town of Chelmsford;

Thence westerly along the last mentioned boundary to its intersection with the easterly limit of Cote Avenue, according to plan registered in the Office of Land Titles at Sudbury as Registered Plan M-91;

Thence southerly along the said easterly limit of Cote Avenue to the said northerly limit of the Sudbury-Levack Highway;

Thence easterly along the last mentioned limit to the point of commencement.

The aforementioned parcel being registered in the Office of Land Titles at Sudbury as Parcel No. 13469A Sudbury West Section.

Secondly:

Commencing at a point in the easterly limit of Cote Avenue, according to said Registered Plan M-91, where the same is intersected by the limit between the north and south halves of the said Lot 2, said limit being the southerly boundary of the Town of Chelmsford;

Thence westerly along the last mentioned boundary to its intersection with the westerly limit of Errington Avenue, according to said Registered Plan M-91;

Thence southerly along the said westerly limit of Errington Avenue to the aforementioned northerly limit of the Sudbury-Levack Highway;

Thence easterly along the last mentioned limit to the easterly limit of Errington Avenue;

Thence

Thence northerly along the said easterly limit of Errington Avenue to the northwesterly angle of Parcel No. 6124 Sudbury West Section;

Thence easterly along the northerly limit of Parcel 6124 to the northeasterly angle of the said parcel;

Thence southerly along the easterly limit of the said parcel to the aforementioned northerly limit of the Sudbury-Levack Highway;

Thence easterly along the said northerly limit of the Sudbury-Levack Highway to the westerly limit of Charette Avenue;

Thence southerly along the said westerly limit of Charette Avenue to its intersection with the southerly limit of said Registered Plan M-91;

Thence easterly along the southerly limit of said Registered Plan M-91 to the easterly limit of Charette Avenue;

Thence northerly along the easterly limit of Charette Avenue to the northerly limit of the Sudbury-Levack Highway;

Thence easterly along the northerly limit of the Sudbury-Levack Highway to the westerly limit of a lane between Lots 3 and 4, according to said Registered Plan M-91;

Thence southerly along the westerly limit of said lane to its intersection with the southerly limit of said Registered Plan M-91;

Thence easterly along the southerly limit of said Registered Plan M-91 to the easterly limit of the aforementioned lane;

Thence northerly along the easterly limit of the aforementioned lane to the northerly limit of the Sudbury-Levack Highway;

Thence easterly along the said northerly limit of the Sudbury-Levack Highway to the westerly limit of Cote Avenue;

Thence southerly along the westerly limit of Cote Avenue to its intersection with the southerly limit of Registered Plan M-91;

Thence easterly along the southerly limit of Registered Plan M-91 to the easterly limit of Cote Avenue;

Thence northerly along the easterly limit of Cote Avenue to the point of commencement.

CHAPTER 103

An Act respecting the Township of Etobicoke

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

WHEREAS The Corporation of the Township of Etobi-Preamble coke, hereinafter called the Corporation, by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this section,

Interpre-
tation

- (a) “benefit” means an immediate benefit or deferred benefit accruing to land or the owners and occupants thereof from the construction of a sewer, sewer system, sewage works or water works, and
 - (i) “immediate benefit” means the benefit which accrues to lands or the owners or occupants thereof upon the completion of the work whereby such lands are or may be immediately serviced, and
 - (ii) “deferred benefit” means the benefit which accrues to lands or the owners or occupants thereof upon the completion of the work whereby such lands may be serviced;
- (b) “capital cost” means all cost of the construction of works, or the acquisition of constructed works and interest thereon, including all items of cost usually and properly chargeable to capital account and includes the amount of debentures and interest thereon, if any, issued to finance the cost of construction or acquisition of a work, whether paid or unpaid, and includes the cost of improvement of works by an extension, enlargement, alteration, replacement or other improvement thereof;

(c)

- (c) "existing work" means any work existing at the time of the passing of a by-law pursuant to this section;
- (d) "land drainage" means storm, surface, overflow, sub-surface or seepage waters or other drainage from land, but does not include sewage;
- (e) "person" includes individual, association, firm, partnership or corporation;
- (f) "rate" means a charge for the capital cost of a work, and "sewage service rate" means a charge for the operation and maintenance of a work, to be paid by the owners or occupants of lands by any or all of the following methods,
 - (i) by a mill rate on the rateable property,
 - (ii) by a per foot frontage basis on the lands to which a benefit accrues,
 - (iii) on an acreage basis,
 - (iv) by a fixed charge on a gallonage basis ascertained by means of the water consumption registered on a water meter;
- (g) "sewage" means domestic sewage or industrial wastes, or both;
- * (h) "sewage works" means an integral system consisting of a sewer or sewer system and treatment works;
- (i) "sewer" means a public sewer for the use of the owners and occupiers of lands for carrying away sewage or land drainage, or both, from abutting lands;
- (j) "sewer system" means a system of two or more interconnected sewers having one or more common discharge outlets, and includes the necessary pumping plant, force mains, siphons and other like works;
- (k) "treatment works" means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage or land drainage or both, and includes land appropriated for the above-mentioned purposes and uses;

(l) "water works" means any water pipes, mains, pumps, tanks, buildings, equipment works and plant in connection with the supply of water, or any part thereof or any extension thereto;

(m) "work" means a sewer, sewer system, sewage works, water works or any part thereof, or any extension thereto, and all lands, easements and rights in connection therewith.

(2) Subject to the approval of the Ontario Municipal Board ^{Rates} first being obtained, the council of the Corporation may by by-law authorize the construction of any work or the acquisition thereof, and may in the same or other by-laws provide for imposing upon the lands which, or the owners and occupants of which, derive, or will or may derive, a benefit from such work a rate or rates sufficient to pay such portion or percentage of the capital cost thereof as the by-law may specify, and with like approval any by-law passed under this section may be amended or re-enacted.

(a) No rate may be imposed under this subsection where a portion or percentage of the capital cost of the work has been or is specially assessed or assessable for the owners' share of the capital cost under *The R.S.O. 1950, c. 215 Local Improvement Act.*

(3) Subject to the approval of the Ontario Municipal ^{Agreements} Board, the Corporation may by agreement undertake to ^{re} acquisition of works charge a rate or rates for and to pay the whole or part of the cost of installation or acquisition of any work owned, erected or installed by any person, and any such agreement may, among other things, provide for priority for specified lands respecting the use of such work and that the obligation of the Corporation to pay to any such person shall be limited to the amount collected for the capital cost of the said work by the Corporation either as part of the annual rate or rates imposed on the designated lands or otherwise until such obligation has been satisfied.

(4) A by-law passed under subsection 2 shall designate ^{Designation of land in} by-law the lands for which the owners or occupants are made liable for the rate imposed and, where the land designated does not comprise all land within the municipality, the area thereof shall be defined in the by-law.

(a) The land designated may include land for which an immediate benefit accrues and land for which a deferred benefit accrues.

(b) Land designated in the by-law as land to which a deferred benefit accrues may be redesignated as land

to which an immediate benefit accrues, as and when determined by the council.

**Application
of revenues**

(5) Receipts derived in any year from a rate imposed under subsection 2 shall be applied and used towards the payment of principal and interest due in that year upon debentures, if any, issued for the work for the capital cost of which the rate is imposed or for repayment as contemplated by subsection 3.

**Rate for
existing
work**

(6) Where there is land in the municipality which has not or the owners or occupants of which have not been and are not assessable or taxed with respect to an existing work and a work forming part of the existing work is to be constructed by means of which a benefit from the existing work accrues to or may or will accrue to such land or the owners or occupants of such land, the council of the Corporation may by by-law, passed with the approval of the Ontario Municipal Board, provide for imposing upon such lands a rate sufficient to pay for such portion or percentage of the capital cost of the existing work as the by-law may specify, and the provisions of this section shall apply to a by-law passed under this subsection and with like approval any by-law passed under this subsection may be amended or re-enacted.

- (a) Such rate may be imposed notwithstanding that the capital cost of the existing work has in whole or in part been paid.
- (b) Receipts from such rates, if any, not required for payment of any part of the outstanding capital cost of existing work shall be applied and used only for future capital improvements of the existing work.
- (c) A rate imposed under this subsection shall be separate from and in addition to the rate, if any, imposed under subsection 2 upon the same owners or occupants with respect to the work to be constructed to form part of the existing work.

**Rate
structure**

(7) The council of the Corporation, for the purposes of subsections 2 and 6, may by by-law passed under either of the said subsections or by separate by-law, with the approval of the Ontario Municipal Board, establish a rate structure upon which rates imposed under subsection 2 or 6 shall be based and calculated, and in establishing the rate structure the council shall have regard to differentiating between the several classes of works, the kind of benefits accruing, and all other relevant matters to ensure that rates are imposed upon a basis that is equitable and just, and with like approval such by-law may be amended or re-enacted.

(8) The council of the Corporation may by by-law provide for imposing upon the owners or occupants of land who use works for carrying away sewage or land drainage, or both, from their land, a sewage service rate sufficient to pay such portion or percentage of the annual cost of maintenance and operation of the work so used as the by-law may provide.

sewage
service rate

(a) The cost of maintenance and operation of a work for the purpose of this subsection does not include any part of or payment of the capital cost of the work, or for any depreciation, obsolescence, deferred maintenance, or other fund or reserve created with respect to the work.

(9) A sewage service rate may be imposed under sub-^{Idem} section 8 notwithstanding that,

(a) a rate has also been imposed with respect to the capital cost of the same work; and

(b) the work with respect to which it is imposed was constructed under *The Local Improvement Act*, or <sup>R.S.O. 1950,
c. 215</sup> any other general or special Act.

(10) The council of the Corporation for the purpose of subsection 8 may by by-law establish a sewage service rate structure upon which sewage service rates imposed under subsection 8 shall be based and calculated, and in establishing the rate structure the council shall have regard to differentiating between classes of users, nature, volume and frequency of use, and all other relevant matters to ensure that sewage service rates are imposed upon a basis that is equitable and just; and a by-law passed under this subsection may be amended or re-enacted.

sewage
service rate
structure

(11) The council of the Corporation may by by-law establish systems for,

(a) fixing times, periods and frequencies at and for which rates imposed under subsection 2 or 6 and sewage service rates imposed under subsection 8 shall be payable, and they may be yearly, half-yearly, quarterly or bi-monthly;

(b) allowing discounts for prompt payment of such rates or for adding penalties for non-payment by due date;

(c) appointing persons, corporations or agencies to have charge of and the power and responsibility for billing and collecting such rates;

(d)

(d) billing and collecting such rates and for co-ordinating such billing and collecting with the billing and collecting of other kinds of rates or charges imposed by or for the Corporation;

(e) any other relevant matter or thing,

and a by-law passed under this subsection may be amended or re-enacted.

Rates a
lien

(12) A rate imposed under subsection 2 or 6 and a sewage service rate imposed under subsection 8 upon any owner or occupant of land shall be a lien and charge upon the land, and if the same or any part thereof remains unpaid after the due date the amount unpaid may be collected by distress upon the goods and chattels of such owner or occupant, or the clerk of the municipality, upon notice to him of the amount due, the person by whom it is due and the land upon which a lien is claimed, shall enter the same upon the collector's roll and the collector shall proceed to collect the same in the same way, as nearly as may be, as municipal taxes are collectable.

Application

(13) Nothing in this section authorizes the imposition of a rate upon lands which are exempt from taxation for local improvements under any general or special Act.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Township of Etobicoke Act, 1956*.

CHAPTER 104

An Act respecting the Town of Fort Erie

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

WHEREAS The Corporation of the Town of Fort Erie ^{Preamble} by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** The agreement made between The Corporation of the ^{Agreement validated} Town of Fort Erie and the Buffalo and Fort Erie Public Bridge Authority, bearing date the 29th day of December, 1955, set forth as the Schedule hereto, is hereby validated and confirmed and declared to be legal, valid and binding upon the parties thereto and The Corporation of the Town of Fort Erie and the Buffalo and Fort Erie Public Bridge Authority are hereby empowered to carry out and enforce their respective obligations and rights thereunder.
- 2.** This Act comes into force on the day it receives Royal ^{Commencement} Assent.
- 3.** This Act may be cited as *The Town of Fort Erie Act*, ^{Short title} 1956.

SCHEDULE

AGREEMENT made in triplicate this 29th day of December, A.D. 1955.

BETWEEN:

BUFFALO AND FORT ERIE PUBLIC BRIDGE AUTHORITY,
hereinafter called "the Bridge Authority",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWN OF FORT ERIE,
hereinafter called the "Corporation",

OF THE SECOND PART.

WHEREAS the Parties hereto desire to continue the present arrangement of determining the taxes payable by the Bridge Authority for a period of seven years;

AND WHEREAS the Parties have agreed that the taxes to be paid by the Bridge Authority to the Corporation in respect of taxation on all the property of the Bridge Authority in the Town of Fort Erie and business assessment in respect thereto for the years 1956, 1957, 1958, 1959, 1960, 1961 and 1962 shall be as hereinafter set forth;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises hereinafter set forth, the Parties hereto mutually agree as follows:

1. The Bridge Authority shall pay to the Corporation of the Town of Fort Erie for all municipal taxes against the real property, buildings, improvements and structures of the Bridge Authority owned, leased, occupied or managed by it situated in the Town of Fort Erie, and for business assessment, and against the Bridge Authority itself for the years 1956 to 1962 inclusive, the following sums of money, namely:

| | | |
|-----------|-------------|------------------------------|
| 1956..... | \$45,000.00 | plus local improvement rates |
| 1957..... | \$46,000.00 | " " |
| 1958..... | \$47,000.00 | " " |
| 1959..... | \$48,000.00 | " " |
| 1960..... | \$50,000.00 | " " |
| 1961..... | \$55,000.00 | " " |
| 1962..... | \$60,000.00 | " " |

2. The assessment of the said real property, buildings, improvements and structures acquired, held, leased or managed by the Bridge Authority within the corporate limits of the Town of Fort Erie, including business assessment, and of the Bridge Authority itself, shall, for the purposes of taxation in each year of the years 1956 to 1962, be entered on the Assessment and Collector's Roll of the said Town of Fort Erie in respect of the said years at no higher valuation than will produce the above mentioned sums per annum in the said respective years at the rate or rates in the dollar which shall have been fixed by a by-law or by-laws of the said Corporation for authorizing, levying and collection of rates for the purposes of the municipality and the said valuation shall be held and taken to be the assessed valuation for which, during the said years, the said property, business assessment and Bridge Authority hereinbefore described shall be entered upon the Assessment and Collector's Roll for the purpose of levying and collecting all rates, exclusive of local improvement rates, and it shall be the duty of the Assessor from time to time during the said period to assess the same in accordance with the valuations hereby affixed and for no other or greater sum.

3. The said sums for the respective years set forth in paragraph No. 1 above for each of the said respective years shall be payable to the Corporation each and every year during the term of this Agreement on or before the 23rd day of September.

4. The Corporation hereby undertakes and covenants with the Authority to apply at the earliest possible time hereafter for legislation of the Province of Ontario to give full effect to all provisions in this Agreement and to do all acts and things necessary to make the said provisions valid and binding, and will abide by, observe and carry out the same according to the spirit, true intent and meaning thereof.

5. The Authority hereby undertakes and covenants with the Corporation to co-operate with the Corporation to obtain the necessary legislation to give full effect to this Agreement and to make the same valid and binding, it being understood and agreed, however, that the Authority shall not in any way or under any circumstance be responsible for failure on the part of the Corporation to secure the said legislation.

6. That the making of this Agreement and acts of any party hereunder or incidental thereto shall not in any way prejudice the rights in law of any parties during or after the expiration of the term hereof.

7. That all the provisions herein contained shall enure to the benefit of and be binding upon the successors and assigns of each and all of the parties hereto.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their Corporate seals the day and year first above written

SIGNED, SEALED, DELIVERED and
COUNTERSIGNED

By the proper officers of the
Parties hereto:

BUFFALO AND FORT ERIE PUBLIC
BRIDGE AUTHORITY

EDWIN LANG MILLER,
Vice-Chairman.

JOHN W. VAN ALLEN,
Secretary.

THE CORPORATION OF THE TOWN
OF FORT ERIE

H. E. THOMPSON,
Mayor.

A. E. JEPSON,
Clerk.

CHAPTER 105

An Act respecting the City of Hamilton

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

WHEREAS The Corporation of the City of Hamilton ^{Preamble} by its petition has prayed for special legislation with respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) "Corporation" means The Corporation of the City of Hamilton;
- (b) "council" means the council of The Corporation of the City of Hamilton;
- (c) "employee" means an employee of The Corporation of the City of Hamilton.

2.—(1) The council may, out of current revenues of the Corporation, in any year grant such sum or sums of money, not exceeding in the aggregate \$30,000 in any one year, in aid of institutions, associations or persons, for the carrying on of activities which in the opinion of the council are for the general advantage of the inhabitants of the Corporation, and for which grant or grants there is no express authority provided by any other Act.

(2) The council may grant to The Young Men's Christian Association in the City of Hamilton the sum of \$25,000 to be used by that Association for the purchase of land from the Corporation, and which land is to be used for a community centre in the City of Hamilton.

3. Where in an action or settlement, arising out of an accident to an employee, the Corporation recovers from a third person a larger amount, exclusive of costs, than the amount

Payments
of amounts
recovered
in actions
to em-
ployees

amount paid to or on behalf of the employee as a result of the accident, the Corporation may pay the surplus amount that is recovered or received,

- (a) to the employee; or
- (b) in the event of the death of the employee, to one or more of his dependants,

upon such terms or conditions as the Corporation deems expedient.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The City of Hamilton Act, 1956*.

CHAPTER 106

An Act respecting The Board of Education for the City of Hamilton

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

WHEREAS The Board of Education for the City of Preamble Hamilton, hereinafter called the Board, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. All pensions, retirement allowances and sick leave credits granted or purporting to have been granted up until the 31st day of December, 1955, to employees of the Board in accordance with the several resolutions of the Board as set forth in Schedules A, B, C and D hereto, and all payments of money made by the Board pursuant thereto, are hereby validated and declared to be legal, valid and binding upon the Board and the ratepayers of The Corporation of the City of Hamilton.

2. The several resolutions of the Board as set forth in Schedules B, C and D hereto are hereby declared to be legal, valid and binding upon the Board and the said ratepayers, and the Board is hereby empowered to carry out all its obligations that may arise from and under the said resolutions to employees who entered the service of the Board on or before the 31st day of December, 1955.

3. On and after the 1st day of January, 1956, the Pension Plan of the Board as set forth in Schedule A hereto shall be validated as amended and set forth in Schedule E hereto and is hereby declared to be legal, valid and binding upon the Board and the said ratepayers, and the Board is hereby empowered to carry out all its obligations that may arise thereunder.

4. This Act comes into force on the day it receives Royal Assent.

5. This Act may be cited as *The Hamilton Board of Education Act, 1956.* Short title

SCHEDULE A

BOARD OF EDUCATION OF THE CITY OF HAMILTON, ONTARIO PENSION PLAN

DEFINITIONS

- (a) Wherever used herein, "Employer" means Board of Education, Hamilton.
- (b) "Employee" shall mean any person designated as an employee and shall include any salaried officer, clerk, workman, servant or other person in the employ of the Board of Education for the City of Hamilton, except school teachers and inspectors to whom *The Teachers' and Inspectors' Superannuation Act* is applicable.
- (c) "Government" means the Annuities Branch, Department of Labour, Canada.
- (d) The masculine pronoun wherever used includes female employee, unless the context indicates otherwise.

EFFECTIVE DATE

The plan will become effective on and after April 15, 1944.

- (1) Each present male employee will be eligible to become a member of the Plan on the Effective Date if he then:
 - (a) has not attained Normal Retirement Age as specified herein,
 - (b) has completed at least one year of continuous employment with the Employer, and has attained the age of 25 years,
 - (c) has been classified by the Employer as a permanent employee.
- (2) Each present female employee will be eligible to become a member of the Plan on the Effective Date if she then:
 - (a) has not attained Normal Retirement Age as specified herein,
 - (b) has completed at least three years of continuous employment with the Employer, and has attained the age of 25 years,
 - (c) has been classified by the Employer as a permanent employee.
- (3) Each present employee who is not eligible to become a member of the Plan on the Effective Date, will be eligible to become a member on the first day of the month immediately following the date on which the conditions applicable to himself, as set forth in paragraphs 1, 2, hereof, are fulfilled.
- (4) Each male person who becomes an employee after the Effective Date of the Plan, must as a condition of employment, become a member of the Plan on the first day of the month immediately following the date on which the conditions applicable to himself, as set forth in paragraphs 1 or 2, are fulfilled.
- (5) Each female who becomes an employee after the Effective Date of the Plan must as a condition of employment, become a member of the Plan on the first day of the month immediately following the date on which she has completed three years of continuous employment with the Employer, and has attained the age of 30 years, if she is then under the Normal Retirement Age and is classified as

a permanent employee. Each such female employee, may, however, become a member of the Plan on the first day of the month immediately following the date on which she has completed three years of continuous employment with the Employer, and has attained the age of 25 years, if she so wishes.

- (6) Each employee who has volunteered or who has been drafted for military service prior to the Effective Date of the Plan or prior to becoming eligible, and who returns to active service with the Employer within six months after the discharge from military service, will be eligible to become a member on the first day of the month following return to work, or following completion of the eligibility conditions.

HOW TO BECOME A MEMBER OF THE PLAN

- (7) To become a member of the Plan an eligible employee must sign the form of application provided, and authorize the required payroll deductions.
- (8) Any employee who becomes a member of the Plan may not, except with the consent of the Employer, withdraw from it as long as he is in the employ of the Employer and under Retirement Age. An employee who so withdraws may be considered for purposes of this Plan, as having terminated his services, and no further contributions will be made by him or by the Employer on his behalf under this Plan.
- (9) The Normal Retirement Date of a member will be the first day of July coincident with or immediately following the attainment of Normal Retirement Age which is the sixty-fifth birthday. However, for a member who was born in the months of July or August, the Normal Retirement Date will be the first day of July immediately following the attainment of Normal Retirement Age which is the sixty-fourth birthday.

EMPLOYEES OVER NORMAL RETIREMENT AGE

- (10) Each employee who is over Normal Retirement Age, as specified herein, at the Effective Date of the Plan, will be retired at a date to be determined by the Employer, and will receive from date of actual Retirement the amount of annuity determined by his years of past service up to the Effective Date of the Plan, in accordance with Paragraph 18 thereof.

CONTRIBUTIONS

- (11) **EMPLOYEE:** Each member of the Plan will contribute an amount equal to 5% of his Earnings.
- (12) **EMPLOYER:** For each member of the Plan, the Employer will contribute an amount equal to 5% of his earnings for service rendered after the Effective Date of the Plan (hereinafter referred to as Future Service contributions).
- (13) The Employer will also contribute such amounts as may be necessary to purchase annuities in respect of service prior to the Effective Date of the Plan, as herein provided, (hereinafter referred to as Past Service Contributions).
- (13) (a) In addition to the Past Service Contributions made by the Employer, as outlined in Section (13) hereof, a member may, if he wishes, contribute in respect of his past service to a total amount not greater than 5% of his total earnings during his years of service prior to joining the Plan, provided, however, that the contributions so made do not exceed \$900.00 in any one year.
- (14) The contributions of a member will be remitted to the Government at the end of each three months' period, together with the Employer contributions for same period. If the contributions made by and

on behalf of a member become sufficient before his Retirement Date to purchase the maximum annuity available to him from the Government (\$1,200.00 per year) no further contributions will be payable to the Government by the member or by the Employer on his behalf.

- (15) For the purposes of this Plan, the Employer's determination of a member's earnings and length of service shall be conclusive. The portion of a member's earnings which exceeds \$6,000.00 per year shall not be taken into consideration for purposes of calculating contributions or benefits under the Plan.

AMOUNT OF RETIREMENT ANNUITY

- (16) **FUTURE SERVICE:** (Being the service rendered by a member after the Effective Date of the Plan).

Each member of the Plan will receive at Normal Retirement Date, subject to the terms of this Plan, the amount of annuity purchased by the contributions made by the member himself and by the Employer on his behalf for Future Service.

- (17) **PAST SERVICE:** (Being service rendered by a member prior to the Effective Date of the Plan).

Each eligible employee who becomes a member of the Plan on the Effective Date, or within 60 days thereof, will receive, commencing at Normal Retirement Date, subject to the terms of this Plan, a Past Service Annuity equal to \$12.00 for each completed year of service up to the Effective Date of the Plan, excluding any years of service prior to the date which is 40 years before a male member's Normal Retirement Age and excluding any years of service prior to the date which is 35 years before a female member's Normal Retirement Age. The cost of such Past Service annuities will be borne entirely by the Employer.

- (18) In calculating the number of years of past service of employees who have been or who are absent on military service, and who subsequently become members of the Plan in accordance with Paragraph 7 hereof, credit shall also be given for the period of military service up to the Effective Date of the Plan.

MAXIMUM ANNUITY UNDER THE PLAN

- (19) The maximum annuity that may be received by a member under this Plan is \$1,200. per year. The maximum annuity available from the Government on the life of a member is \$1,200. per year, in which will be included the amount of annuity to which a member may be or may become entitled under an individual Government Contract on his life at the time of becoming a member of the Plan, and if he is thereby precluded from receiving the maximum annuity under the Plan from the Government, contributions under the Plan will be remitted to the Government, until the maximum annuity available to the member from the Government has been purchased, and thereafter contributions will be remitted to such Insurance Company, licensed to do business in Canada, as the Employer may designate, until the maximum annuity under the Plan has been purchased, or until the member attains Normal Retirement Age, whichever occurs first.

PAYMENT OF RETIREMENT ANNUITY

- (20) The Retirement Annuity will commence on the Retirement Date of the member, and will be payable in monthly instalments as long as he lives, provided that sixty monthly instalments will be paid in any event.

OPTIONAL TYPES OF ANNUITY

- (21) In place of the Normal Type of Annuity as described in Paragraph 20, a member may, at any time more than five years before his Retirement Annuity commences, or within six months from his date of Registration with the Government, choose any one of the following types:—

(a)

- (a) Joint and Survivorship annuity: Providing a smaller annuity, but payable during the lifetime of the member and other person, generally his wife, and continuing until the death of the survivor.
- (b) Annuity payable for life, but 120, 180, or 240 annuity instalments guaranteed in any event.
- (c) Annuity payable for life, and ceasing with the last instalment due before the date of death.

Information will be supplied on request, showing the approximate amount of annuity that would be received under any one of these options.

TERMINATION OF EMPLOYMENT

- (22) If for any reason other than his death, a member should cease to be employed by the Employer prior to his Normal Retirement Date, the total of the contributions which he has made under the Plan will remain at his credit with the Government, to provide him with an Annuity commencing at Normal Retirement Date or any earlier anniversary thereof. The member will have the privilege of continuing contributions in order to increase his annuity.
- (23) In addition, if at Date of Termination, the member has completed at least twenty years of employment with the Employer he will receive at Normal Retirement Date, or an earlier anniversary thereof, the amount of annuity purchased by the Future Service and Past Service contributions remitted by the Employer on his behalf.
- (24) If a member is convicted of a criminal offence arising out of a breach of trust, embezzlement or fraud committed in the course of his employment with the Employer, he will hereby forfeit any right to or in receipt of Past Service and Future Service contributions made by the Employer on his behalf, or to any payment calculated by reference to any such contributions under this Plan, if notice of the conviction is received by the Government before payment is made to the member, or to his designated Beneficiary or legal representative.

RE-EMPLOYMENT

- (25) Any member whose employment has been terminated and who is subsequently re-employed by the Employer will, for the purposes of this Plan, be considered a new employee.

EARLY RETIREMENT

- (26) Under special circumstances and with the consent of the Employer, a member may be permitted to retire on the first day of any month in the five year period immediately preceding Normal Retirement Date, or at any other time for reasons of sickness or disability, as determined by the Employer. The amount of annuity thereupon payable to the member will be on a reduced scale, and will be determined by his attained age and by all contributions made by himself and by the Employer on his behalf.

DEATH BENEFITS

- (27) **BEFORE RETIREMENT:** If a member dies before the first instalment of his Retirement Annuity is due, whether or not he is in the employ of the Employer at the date of death, an amount equal to the contributions he has made under the Plan will be paid to his designated Beneficiary in a lump sum, together with interest thereon up to the date of death, as provided in the Government *Annuities Act* (R.S.C. 1927, Chapter 7, as amended by Chapter 33, Statutes of 1931). The current rate of interest is 4% per year, compounded yearly.
- (28) In addition, if at the date of death, the member is in the employ of the employer, or has terminated his employment with the Employer,

after completion of at least 20 years of employment, an amount equal to the Past Service and Future Service contributions made by the Employer on his behalf, together with interest thereon as described in Paragraph 27, will be paid to his designated Beneficiary.

- (29) **AFTER RETIREMENT:** If a member dies after the first instalment of his Retirement Annuity has become due, and before sixty monthly payments have been received, the annuity payments will be continued to his designated Beneficiary as they become due, until sixty monthly payments in all have been made.

However, if a member has elected an optional type of annuity, the death benefits, if any, will be determined accordingly.

ABSENCES FROM WORK

- (30) Authorized absences from work shall not constitute termination of employment for the purposes of this Plan, but will be governed as follows:

- (a) If the member receives pay, contributions will continue and he will be entitled to all benefits as though he were actually at work.
- (b) If the member does not receive pay, contributions will cease but any benefits previously purchased will not be affected. Upon return to active service with the Employer, contributions will be resumed.

MINIMUM ANNUITY FROM THE GOVERNMENT

- (31) If, at his Normal Retirement Date, the contributions at the credit of a member, including his own and those made by the Employer on his behalf, are not sufficient to purchase him an annuity of \$10.00 per year, such contributions will be paid to the member in a lump sum together with interest thereon as provided in the Government *Annuities Act* (R.S.C. 1927, Chapter 7, as amended by Chapter 33, Statutes of 1927) and the regulations made thereunder in lieu of the annuity purchased thereby.

LIMITATION OF ASSIGNMENT

- (32) (a) The Retirement Annuity and other benefits under the Plan are not assignable, whether by voluntary action or by operation of law.
- (b) A member may not borrow against his contributions nor withdraw them at any time.

RIGHT TO EMPLOYMENT OR BENEFITS

- (33) Participation in this Plan will not give any member the right to be retained in the service of the Employer, or any right or claim to benefits, unless the right to such benefits has specifically accrued under the terms of this Plan.

ADMINISTRATION OF THE PLAN

- (34) The Employer reserves the right to decide all matters arising in the administration and interpretation of the Plan, subject to law and the Government *Annuities Act*, (R.S.C. 1927, Chapter 7, as amended Chapter 33, Statutes of 1931) and the rules and regulations made thereunder. It will be the obligation of the Employer to pay over to the Government the contributions collected from the members together with the contributions required to be made by the Employer under the Plan, and it will be the obligation of the Government to pay benefits in accordance with contributions received.

CHANGE OR MODIFICATION

- (35) The Employer hopes and expects to continue the Plan indefinitely, but reserves the right to change or modify it at any time. Any change

or modification in the Plan shall not affect the terms of payment of, or the amount of, Retirement Annuity purchased prior to the date of such change or modification.

REGULATIONS UNDER THE PLAN

1. Present Employees' Option of becoming members of the Plan:

All employees in the service of the Employer on the Effective Date of the Plan, who are or who will be eligible to become members of the Plan will be required to decide within 60 days of the date they become eligible, whether or not they desire to become members of the Plan.

The decision in such cases shall be final and binding, and those employees who elect not to become members, shall sign a waiver, and shall not be permitted to become members after a period of 60 days has elapsed.

PROOF OF AGE

2. (a) At the time of joining the Plan, or as soon thereafter as possible a member will send to the Government a birth or baptismal certificate, as proof of his date of birth. The birth or baptismal certificate will be returned to the member.
- (b) If a birth or baptismal certificate cannot be obtained the member will submit a STATUTORY DECLARATION as to the date of birth by parent, or a copy of the entry of his date of birth in the Family Bible, certified to be a true copy by a Lawyer, Justice of the Peace, Notary Public, or Commissioner for taking oaths.
- (c) If such cannot be obtained, the member will submit a STATUTORY DECLARATION by a responsible person having cause to know of his date of birth, stating that no other documentary proof of age can be obtained.
- (d) If such cannot be obtained, the member will himself submit a STATUTORY DECLARATION as to his date of birth, stating that no other proof of age can be obtained.

BENEFICIARY

3. Each employee, on becoming a member of the Plan, may designate ANY ONE person his Beneficiary to receive such sums as may be payable on or after his death, reserving the right to change the Beneficiary from time to time with the assent of the Government. If, on the death of the member, there should be no living designated Beneficiary with respect to himself, such sums as would otherwise be payable to his designated Beneficiary, will be payable to the legal representative of the member.

MEMBER'S CERTIFICATE OR CONTRACT

4. Each member of the Plan will receive from the Government a certificate as evidence of his inclusion under the Group Annuity Contract issued by the Government to the Employer. At his date of retirement, or at his date of final termination of service, the member will receive an individual Government Annuity Contract, specifying the amount of annuity, and any other benefits, to which he has become entitled.

RECEIPTS FOR PAYMENTS

5. The Government will provide receipts to each payment of a member's contributions received by the Government. These receipts will be transmitted to the member through the Employer.

TERMINATION OF SERVICE

6. A member shall be deemed to have finally terminated his service with the Employer when, in the opinion of the Pension Committee, or failing such, of the Employer, he has left the employ of the Employer without reason to believe that he will be further employed.

SUSPENSION OF SERVICE

7. A member shall be deemed to have suspended his service with the Employer, when he is temporarily off duty without pay for any reason other than on account of illness or accident, except as otherwise provided herein or in the Plan.

DISABILITY

8. "Disability" as set out in the Plan shall be interpreted to mean that a member has furnished satisfactory medical testimony, as may be required, that he is unable to continue further at his employment.
-

SCHEDELE B

- (a) "DEPENDENT" in this part shall mean such of the members of the family of an employee as were wholly dependent upon his earnings at the time of his death and whether such members are so dependent shall be determined by the Board.
- (b) A fund shall be established by the Board to be known as the "EMPLOYEES' INSURANCE FUND" and, in the event of the death of an employee while in the employment of the Board and prior to his retirement, such employee's dependent shall be paid from such fund an amount equal to one month's salary for each year during the period of the employment of such employee; provided, however, that such amount shall not exceed the annual salary which such employee was receiving at the time of his death.
- (c) Where an employee, having reached the age of sixty years or after having been for twenty years in the service of the Board, retires at such time as may be fixed by the Board for retirement, the Board shall pay such employee a retiring allowance equal to one month's salary for each year during the term of his employment; provided, however, that such retiring allowance shall not exceed the annual salary that such employee was receiving at the time of his retirement and provided, further, that, in the event of an employee retiring prior to the time fixed by the Board for retirement but after such employee has reached the age of sixty years or after having been for twenty years in the service of the Board, a retiring allowance may be granted in the discretion of the Board to such employee for such amount as the Board may determine.
- (d) That in the case of female employees who retire to get married, if they have given 30 years or more service with the Board of Education for the City of Hamilton, they may be eligible for the gratuity.

To women cleaners, having reached the age of sixty and having 20 years in the service of the Board, who retire, the Board shall pay a retiring allowance equal to the average annual amount received by such employee for the previous three years.

SCHEDELE C

SCHEDULE C

- (a) Any full-time employee, not eligible for payments under *The Teachers' Superannuation Act*, in the service of the Board on and after the 1st day of June 1949 and who may be retired from the service of the Board of Education after twenty (20) years' service, or who has reached the age of 60 years, shall be granted a retiring allowance for life at a rate of one and one-quarter per centum of his or her normal full wages, salary or income for the year preceding retirement, multiplied by his or her years of service after his or her twenty-fifth birthday and not exceeding a maximum of forty (40) years' service.

Provided, however, the total amount of retiring allowance shall not exceed Three Thousand Dollars (\$3,000) per annum.

- (b) The amount of such annual retirement allowances shall be reduced by payments payable to the retiring employee through any established pension funds to which the Board and the employee jointly contribute.
- (c) No retiring allowance shall be payable to any employee who on the date of his retirement, is not a member of the Pension Plan of the Board, or who, if he was an employee on the 15th day of April, 1944, failed to become a member on or before the 1st day of June, 1951.
-

SCHEDULE D

EMPLOYEE shall mean full-time employee.

1. Each teaching employee and those paid on a 10 months' basis shall be entitled to sick leave for personal illness of twenty days in the year. Other employees paid on a 12 months' basis shall be entitled to a leave of 26 days. On January 1st each year the employee's sick leave account shall be credited with the current year's sick leave allowance.
2. Sick leave credits at December 31st, in any year, in the account of each employee of the staff, together with all his unused sick leave allowance shall be carried forward as a credit to his account the following January.
3. Debits in any calendar year in excess of the recognized sick leave allowance period shall be deducted from the cumulative credit balance but shall not reduce the total accumulating to the maximum.
4. Employees appointed during the year shall be considered as from January 1st of that year for sick leave purposes.
5. Absences for personal illness for a period not exceeding three working days may be certified to by the School Principal and approved by the Official concerned. Absences over three days must be certified to by a qualified medical or dental practitioner. When deemed necessary the employee must submit a certificate from the School Medical Officer.
6. Employees returning from War Service shall be allowed the maximum credit for sick leave accumulations during the period on Leave of Absence.
7. Deductions shall be made from the employee's sick leave account for the number of days absent with salary, due to personal illness. When the employee's sick leave account is exhausted, salary payments shall cease. The unused balance of each employee's sick leave account shall be carried forward each year to the credit of the employee.
8. The Director of Education and the Business Administrator of the Board may grant leave of absence to any employee for reasons other

than

than illness up to a maximum of one half day per working month in each calendar year without deduction of salary and any such absence or so much thereof possible shall be debited to such employee's current year's sick leave allowance and the balance, if any, shall be debited to his Accumulated Sick Leave Credit.

9. Absence for personal illness for a period not exceeding three consecutive working days may be certified to by the school principal and approved by the Official concerned, without any certificate from a qualified physician or a licentiate of dental surgery, and such absence or so much thereof as possible shall be debited to such employee's current year's sick leave allowance and the balance, if any, shall be debited to his Accumulated Sick Leave Credit.
 10. A teaching employee or any other employee shall be allowed leave of absence without deduction of salary for a period not exceeding five consecutive days on account of the death of a blood relation or relative by marriage. Any extension of such period or leave of absence because of the death of a person other than those persons included in the class of persons mentioned aforesaid may be granted without deduction of salary by the Chairman of the Committee concerned or the Director of Education and the Business Administrator.
 11. Each employee shall be entitled to his salary notwithstanding his absence from duty in any case where, because of exposure to a communicable disease, he is quarantined or otherwise prevented by the order of Medical Health authorities from attending upon his duties.
 12. Each employee shall be allowed leave of absence without deduction of salary when absent for the purpose of Jury service or as a witness in any court to which he has been summoned in any proceedings to which he is not a party or one of the persons charged.
 13. Each employee who is injured in the course of his duties and receives a salary award from the Workmen's Compensation Board by reason thereof shall have such award supplemented so as to provide for payment to him of his full salary up to a maximum of 66 days for any one accident and such supplementary award or so much thereof as is possible shall be debited to such employee's current year's sick leave allowance and the balance, if any, shall be debited to his Accumulated Sick Leave Credit.
- In the event that an employee does not wish to use his sick leave credits to supplement his Workmen's Compensation salary award, he must give written notification to that effect to the Secretary-Treasurer of the Board within thirty days after the date of the accident.
14. Accumulated Sick Leave Credit of an employee during the whole of his employment with the Board, who is paid on a ten months' basis, shall not exceed a maximum of 200 days, and for an employee who is paid on a twelve months' basis, 310 days.

SCHEDULE E

PENSION PLAN

OF

THE BOARD OF EDUCATION

FOR

THE CITY OF HAMILTON

DEFINITIONS

1.

In this Plan, unless the context otherwise requires,

(a) "Board" means The Board of Education for the City of Hamilton;

(b)

- (b) "employee" means any salaried officer, clerk, workman, servant or other person in the employ of the Board, except a teacher or inspector or a person who is classified by the Board as a part-time worker or an administrative officer who holds a certificate of qualification as a teacher and who is eligible to contribute to the Teachers' Superannuation Fund;
- (c) "permanent employee" means an employee who is so classified by the Board in accordance with the Board's regular employment regulations and practices;
- (d) "member" means a person who is a participant in the plan;
- (e) the masculine pronoun includes the feminine;
- (f) "service" means the exercise of an office, function or occupation with the Board;
- (g) "Annuities Branch" means the Government Annuities Branch of the Department of Labour of the Government of Canada and "contract with the Annuities Branch" means a contract with Her Majesty in accordance with the *Government Annuities Act* (Canada);
- (h) "Insurance Company" means such insurance company licensed under *The Insurance Act* of the Province of Ontario as may be designated by the Board;
- (i) "insurers" means the Annuities Branch and/or the Insurance Company;
- (j) "Plan" means the Pension Plan of the Board hereinafter set out;
- (k) "former plan" means the Pension Plan of the Board as in effect prior to the 1st day of January, 1956.

2.

EFFECTIVE DATE

This Plan is effective as and from the 1st day of January, 1956, herein called the "effective date", but shall be deemed to be a continuation of the former plan in revised form for the purposes of the Board's group annuity contract with the Annuities Branch and with respect to all persons who were employees and members of the former plan immediately prior to the effective date of this Plan. The provisions herein contained shall control and govern the operation and administration of the Plan, and the rights and interests of members and their beneficiaries, as and from the effective date except that nothing herein contained shall alter or affect the amount or the terms or conditions of payment of any pension under which payment of the pension commenced prior to the 1st of January, 1956 or the rights or interests of any person whose employment with the Board terminated prior to the 1st day of January, 1956 or of the beneficiary of any such former employee.

3.

ELIGIBILITY AND PARTICIPATION

- (a) Each person who was a member of the former plan immediately prior to the effective date of this Plan shall continue his participation but under this Plan and subject to its provisions except as otherwise provided in section 2.
- (b) Each person who, immediately prior to the effective date of this Plan, was an employee, had attained the age of 30 years and had become eligible to participate in the former plan but was not a member thereof shall be eligible to participate in this Plan as from any 1st day of a month, from and including the effective date, on which he is a permanent employee and has not attained what would be his normal retirement date under this Plan.
- (c) Each present male employee who does not automatically become a member of this Plan pursuant to subsection (a) of this section

and

and is not eligible to become a member pursuant to subsection (b) of this section and each future male employee shall be eligible to participate in this Plan, and must as a condition of continued employment by the Board become a member, as from the earliest 1st day of a month on which he

- (1) is a permanent employee;
- (2) has attained the age of 25 years;
- (3) has completed at least one year of continuous service with the Board; and
- (4) has not attained what would be his normal retirement date under this Plan.

(d) Each present female employee who does not automatically become a member of this Plan pursuant to subsection (a) of this section and is not eligible to become a member pursuant to subsection (b) of this section and each future female employee shall be eligible to participate in this Plan as from any 1st day of a month on which she

- (1) is a permanent employee;
- (2) has attained the age of 25 years;
- (3) has completed at least three years of continuous service with the Board; and
- (4) has not attained what would be her normal retirement date under this Plan

but not later than the earliest 1st day of a month on which she fulfils the foregoing requirements and has attained the age of 30 years, on which date she must, as a condition of continued employment by the Board, be or become a member of this Plan.

(e) A member may not withdraw from participation in this Plan while he is in service with the Board and has not attained his normal retirement date.

(f) If a person re-enters the service of the Board, whether or not he was previously a member of this Plan, his separate periods of service will be treated independently and as if rendered by different individuals in applying the provisions of this Plan and in determining rights and benefits hereunder.

4.

RETIREMENT DATE

(a) The normal retirement date of a member will be the 1st day of July immediately following his 65th birthday unless he was born in July or August, in which event his normal retirement date will be the 1st day of July immediately following his 64th birthday.

(b) A member may be retired on any 1st day of a month before his normal retirement date for reasons of sickness or disability which have been established by medical evidence satisfactory to the Board and the pension thereupon payable will be on the reduced scale which the funds at his credit with the insurers will then provide.

5.

REGULAR FORM OF PENSION

The regular form of pension is one commencing on a member's normal or earlier retirement date and payable monthly to the member during his lifetime but with the guarantee that, if his death occurs before payments for sixty months have been made, the pension payments will be continued to his beneficiary, if any, otherwise to his estate for the balance of the sixty months. If the amount of pension payable to a member by either of the insurers would be less than \$10 per month, that insurer may make payment less frequently in adjusted amounts.

6.

DIFFERENT FORM OF PENSION

- (a) A member may elect any other form of pension that the insurers are prepared to make available to him. The Insurance Company has the right to require evidence satisfactory to it that the member is in good health before accepting any such election unless made at least five years before payment of the pension is to commence. Also, once an optional form of pension has been elected and the election accepted by the Insurance Company, the Insurance Company has the right to require evidence satisfactory to it that the member and his joint annuitant, if any, are in good health before accepting any change in the election or a cancellation of the election by the member unless made at least five years before payment of the pension is to commence.
- (b) Notwithstanding anything to the contrary in subsection (a) of this section, if a member elects a Joint and Last Survivorship pension and either the member or his joint annuitant dies before the first payment of the pension falls due, the election of the option will be cancelled automatically and all rights and benefits with respect to the member will be the same as though such election had not been made.

7.

PENSION CREDITS

- (a) A pension credit is an annual amount of pension of the regular form to commence at normal retirement date. Where a member has elected a different form of pension and/or arranged, with the consent of the Board, to have payment of his pension commence before normal retirement date, Board contributions with respect to the member will nevertheless be calculated as if no such election or arrangement had been made and as if Board contributions and the member's regular contributions purchased pension of the regular form to commence at normal retirement date. Also, although any such election or arrangement may alter the period during which purchases can be made from the Annuities Branch, Board contributions to the Annuities Branch with respect to the member during the period as so altered will be calculated as if Board contributions and the member's regular contributions purchased pension of the regular form to commence at normal retirement date and as if the Annuities Branch had no maximum limit. A member's regular pension credit is the pension credit arising from his own regular contributions and the Board contributions with respect to him and excludes the pension credit arising from any additional contributions he may have made.
 - (b) A member's regular pension credit shall, subject to the provisions of sections 13 and 15, be equal to two per cent (2%) of the earnings as an employee on which he makes regular contributions after the effective date of this Plan plus, if he was an employee-member of the former plan immediately prior to the effective date of this Plan,
 - (1) the pension credit arising from his regular contributions under the former plan and the Board's contributions with respect to him under the former plan, or
 - (2) one-eighth of one per cent ($\frac{1}{8}\%$) of his regular annual salary at the effective date multiplied by the number of months elapsed from the 1st day of the month in which he became a member of the former plan up to the effective date of this Plan,
- whichever is the greater.

8.

MEMBER CONTRIBUTIONS

- (a) Each member shall make regular contributions of six per cent (6%) of each and every payment of his earnings as an employee from the date of his inclusion in this Plan up to his normal or earlier retirement date.

(b)

- (b) Any member who does not elect to make additional contributions, as provided in subsection (c) of this section, in respect of service rendered in the years in which he was not a contributor to this Plan or the former plan may make additional contributions in respect of future service provided that they shall not exceed the percentage of his earnings as an employee which corresponds to the number of years from his entry date to his normal retirement date, as indicated in the following table:

| Number of Years from Date of Entry into this Plan (or former plan) until Normal Retirement Date | Maximum Percentage of Additional Future Service Contributions |
|--|--|
| 36 - 40 | 1 % |
| 31 - 35 | 2½ % |
| 26 - 30 | 4 % |
| 21 - 25 | 6 % |
| 20 and under | 10 % |

- (c) Any member who does not elect to make additional contributions in respect of future service, as provided in subsection (b) of this section, may make additional contributions in respect of the years in which he was not a contributor to this Plan or the former plan. Such additional contributions may not exceed in the aggregate five per cent (5%) of the member's earnings from the employer up to the date of his inclusion in either this Plan or the former plan.

9.

ABSENCE FROM WORK

Authorized absence, such as absence on leave or due to sickness or accident, will not constitute Termination of Service for the purposes of this Plan. In the event of unauthorized absence, the Board shall have the right to determine if and when such absence constitutes Termination of Service. A member's regular contributions will be suspended during any period that he is not receiving remuneration as an employee.

10.

BOARD CONTRIBUTIONS

The Board will contribute the amount required, in addition to each member's regular contributions, in order that his regular pension credit will be as provided in subsection (b) of section 7. To avoid constant calculations, the Board will normally make its contribution as of the end of each calendar year but will make such special contributions, or arrangements with the insurers in connection therewith, as may be required in order that, upon a member's retirement during a year or immediately prior to section 13 or 15 becoming operative with respect to him or upon discontinuance of this Plan, the member's regular pension credit will be in the amount provided in subsection (b) of section 7 to the end that all rights and benefits under this Plan will be the same as if the regular pension credits were constantly maintained at the amounts provided in subsection (b) of section 7.

11.

UNDERWRITING

- (a) To provide the benefits under this Plan, purchases with respect to a member will be made from the Annuities Branch or from the Insurance Company or from both. It is the intention of the Board that, in general, purchases from the Insurance Company with respect to a member will commence only if and when his pension credit at the Annuities Branch reaches the maximum permissible. Notwithstanding the foregoing, the Board shall have the right to decide that purchases from the Insurance Company with respect to any member, including remittance of all or part of the member's contributions and/or additional contributions to the Insurance Company, shall commence earlier and to determine what portion of the purchases with respect to any member are to be made from the Insurance Company.

- (b) Each of the insurers shall be liable for, but only for, the benefits purchased by contributions received by it. The sole liability of the Board shall be to remit to the insurers (not less frequently than quarterly) the contributions made by members and the Board contributions provided for in section 10.

12.

TRANSFERS

Where a member of:

- (i) the civil service of Ontario or Canada,
- (ii) the civic service of any municipality or of any other local board, or
- (iii) the staff of any board, commission or public institution established under any Act of the Legislature,

becomes an employee and a sum of money is transferred from any fund or plan maintained to provide superannuation benefits or pensions for the members of such civil or civic service or staff, as the case may be, to the credit of the employee, such sum shall be transferred into this Plan to the credit of the employee in the like manner as an additional contribution by such employee and the employee shall thereupon become a member of this Plan, notwithstanding anything to the contrary contained in section 3 of this Plan.

13.

DEATH BENEFITS

- (a) Should the death of a member occur before the first payment of his pension falls due, whether or not he is in the service of the Board at the date of his death, the total of his own contributions, with interest, and the percentage, if any, indicated in the Table following of the Board's contributions with respect to him, with interest, shall be paid to his beneficiary, if any, otherwise to his estate.

| Years of Continuous Service with the Board | Percentage of Board Contributions and Interest |
|--|--|
| Less than 10 | Nil |
| 10 but less than 15 | 50% |
| 15 but less than 20 | 75% |
| 20 or more | 100% |

PROVIDED that, if the death of the member occurs before the first payment of his pension falls due and while he is in the service of the Board, the death benefit payable to his beneficiary, if any, otherwise to his estate shall not be less than the total of his own contributions, with interest, plus the contributions made by the Board with respect to him prior to the effective date of this Plan, with interest.

- (b) Should the death of a member occur on or after the due-date of the first payment of his pension, any payments remaining to be made under his pension shall be made as they respectively fall due to his beneficiary, if any, otherwise to his estate.

14.

BENEFICIARY

A member may name a beneficiary to receive any death benefit payable in accordance with section 13 and, subject to legal restrictions, will be permitted to change his beneficiary. Particulars of the method of naming a beneficiary or of changing his beneficiary will be furnished to a member upon request.

15.

TERMINATION OF SERVICE

- (a) If a member's service with the Board is terminated prior to his normal retirement date, otherwise than by death or by early

retirement

retirement as provided for in subsection (b) of section 4, he shall be entitled to the paid-up pension purchased by the total of his own contributions and by the percentage, if any, indicated in the Table following of the Board's contributions with respect to him.

| Years of Continuous Service with the Board | Percentage of Board Purchase |
|--|------------------------------------|
| Less than 10 | Nil |
| 10 but less than 15 | 50% |
| 15 but less than 20 | 75% |
| 20 or more | 100% |

The paid-up pension to which a member terminating service is entitled as aforesaid will carry with it all death benefits, optional pension rights and other benefits provided by his own contributions and by the percentage, if any, of the Board's contributions with respect to him.

- (b) A member who is entitled to a paid-up pension under the provisions of subsection (a) of this section may not withdraw his own contributions or the percentage, if any, of the Board's contributions with respect to him, except where a minimum pension provision of the Board's contracts with the insurers applies. If he is eligible for and accepts payment of the contributions at his credit under any contract, the payment will be in full satisfaction of all his rights under such contract and further benefits with respect to him under this Plan will be reduced or cancelled accordingly.

16.

LIMITATION OF ASSIGNMENT

- (a) Pension and other benefits under this Plan are not assignable except that a beneficiary may assign his rights and interests to the member by whom he was appointed.
- (b) A member may not borrow against the contributions at his credit or against any benefit under the Plan.
- (c) A member may not withdraw the contributions at his credit under this Plan except as provided in subsection (b) of section 15 and except that if, at the time of his retirement, the funds at his credit are not sufficient to provide, pursuant to such options as are available to him, a pension on his life of \$120.00 a year to commence at his normal retirement date, the member may surrender his rights to receive a pension in consideration of a single payment being made to him of a sum not less than his contributions together with such interest, if any, as may be credited thereon.

17.

RIGHT TO EMPLOYMENT AND BENEFITS

Participation in this Plan will not give any member the right to be retained in the service of the Board or any right or claim to pension or other benefits unless the right or claim to such benefits has specifically accrued under the provisions of this Plan.

18.

ADMINISTRATION

The Board shall decide on all matters of any nature whatsoever in connection with the administration, interpretation or application of the Plan subject to law and to applicable provisions of the contracts entered into with the Annuities Branch and the Insurance Company.

19.

CHANGE OR DISCONTINUANCE OF PLAN

The Board may, by resolution and with the approval of the Minister of Education of the Province of Ontario, amend this Plan at any time and from time to time or discontinue it at any time. If the Plan is discontinued, all members who are then in the service of the Board will be deemed, for the purposes of this Plan, to terminate service with the Board at the time of such discontinuance but to have completed twenty years or more of service with the Board.

CHAPTER 107

An Act respecting the Town of Leaside

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

WHEREAS The Corporation of the Town of Leaside Preamble by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** *The Town of Leaside Act, 1939* is repealed. 1939, c. 62,
repealed
- 2.** This Act comes into force on the day it receives Royal Commencement Assent.
- 3.** This Act may be cited as *The Town of Leaside Act, 1956*. Short title

CHAPTER 108

An Act respecting the City of London

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

WHEREAS The Corporation of the City of London by Preamble its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Corporation of the City of London is authorized City authorized to carry out agreement and empowered to carry out the terms of an agreement, bearing date the 10th day of January, 1955, between the Corporation and The London & Port Stanley Railway Company, which agreement is set forth in the Schedule hereto.

(2) All lands and premises of The London & Port Stanley Railway Company are hereby vested in The Corporation of the City of London as provided in the said agreement as effectually as if the same were granted, transferred and conveyed by deed duly registered under the provisions of *The Registry Act.*

R.S.O. 1950,
c. 336

2. The Corporation of the City of London, The Public Utilities Commission of the City of London and Upper Thames River Conservation Authority are authorized and empowered to enter into and carry out the terms of an agreement to provide for the withdrawal of water from Fanshawe Lake for the purposes of the Corporation and the Commission in their sale and distribution of water throughout the City of London and those portions of the townships of London and Westminster which may at any time be served, including the right to provide for the erection of a filtration plant and lease of the necessary land therefor, and to provide for such other matters as may be required to carry out the intent of this section.

3. The Corporation of the City of London is hereby authorized and empowered to enter into an agreement or agreements upon such terms and conditions as the council of

the

the Corporation may consider proper to provide and pay for an ambulance service within the City of London.

Tax
exemption
authorized

R.S.O. 1950,
c. 215

4. The council of the Corporation is hereby authorized and empowered to pass a by-law or by-laws to exempt from municipal taxation the lands and buildings owned or occupied by Western Fair Association which are used for exhibition purposes, provided such exemption shall not extend to such taxes or rates as may be levied under *The Local Improvement Act* or to business taxes which may or might otherwise be levied in respect of such lands and premises when not in use for exhibition purposes.

Cleaning
of buildings
by sand

5. The council of the Corporation is hereby authorized and empowered to pass by-laws licensing and regulating the cleaning of the exterior of buildings by any method or combination of methods, including grinding, sand-blasting or by any method using sand.

Installation
of plumbing

6.—(1) The council of the Corporation may pass by-laws requiring that no plumbing may be installed or altered within the City of London until a permit has been obtained therefor, which permit may be issued by such authority as the council may by by-law provide, and such by-law may require the filing with such authority such information as may be thereby required and may provide for the payment of such fee as the council may determine.

Plumbing
Inspector,
authority
under
R.S.O. 1950,
c. 306

(2) The Plumbing Inspector of the City of London shall be an inspector having authority within the City of London for the purposes of any of the provisions of *The Public Health Act* or any regulations passed thereunder.

1931, c. 107.
s. 9,
re-enacted

7. Section 9 of *The City of London Act, 1931* is repealed and the following substituted therefor:

Municipal
golf courses

9. The Public Utilities Commission of the City of London may from time to time with the consent of the council of the Corporation acquire by purchase, lease or otherwise such land or lands within ten miles of the City as the Commission may deem necessary or expedient, and may improve and develop the same for use as a municipal golf course or municipal golf courses, and may maintain, manage, operate and control the same from time to time as a municipal golf course or courses.

1955, c. 104,
s. 6,
amended

8. Section 6 of *The City of London Act, 1955* is amended by adding thereto the following subsection:

(2) The Corporation and Covent Garden Building Association may by agreement alter and amend the agreement Power to amend
Agreement to vary or extend the time within which anything is to be done pursuant to the terms of the Agreement.

9.—(1) Whenever a by-law is passed by the council of The Corporation of the City of London under any of the powers given to it by any special Act, the provisions of sections 492 and 493 of *The Municipal Act* are declared to be and to have been applicable thereto. Application of R.S.O. 1950, c. 243, ss. 492, 493

(2) The whole of any penalty recovered in any prosecution under any of the said by-laws shall belong to the Corporation. Penalties to City

10.—(1) The council of The Corporation of the City of London is hereby authorized and empowered to pass a by-law consolidating a by-law passed on the 3rd day of October, 1949, as No. CP-65-233 and the amendments made thereto. Consolidation of by-law authorized

(2) The provisions of the consolidating by-law shall be effective and binding as if they had been enacted and passed on the date of their original enactment by the said By-law No. CP-65-233 and the date of the original enactment of the several amendments thereto. Effective date

11.—(1) The Board of Education for the City of London is authorized and empowered to use the unexpended moneys raised for secondary school purposes under the authority of by-laws of the City of London, numbered D-121-14 and D-132-239, together with the accrued interest thereon as part of the contribution to the cost of the construction of a workshop for the purposes of the said Board, which should be chargeable to secondary school purposes. Use of unexpended moneys authorized

(2) The Board of Education for the City of London is authorized and empowered to establish and use as a reserve fund for the construction or reconstruction of buildings for public school accommodation such sums as have been raised for public school construction purposes and are unexpended under by-laws of the City of London, numbered 4946, 7513, D-18-58, D-34-102, D-47-21, D-48-22, D-54-35, D-67-127 and D-122-15, together with accrued interest thereon and, when such reserve fund is established, section 312 of *The Municipal Act* shall apply thereto. Reserve fund

(3) The approval of The Corporation of the City of London to such use shall not be required and the Corporation and the council thereof shall not be liable in any way for such application of said moneys. Approval not required

Commencement

12. This Act comes into force on the day it receives Royal Assent.

Short title

13. This Act may be cited as *The City of London Act, 1956*.

SCHEDULE

THIS AGREEMENT made (in duplicate) the Tenth day of January, in the year of our Lord one thousand nine hundred and fifty-five.

BETWEEN:

THE LONDON AND PORT STANLEY RAILWAY COMPANY,
hereinafter called the "Vendor",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE CITY OF LONDON, hereinafter
called the "Purchaser",

OF THE SECOND PART.

WHEREAS the Vendor is the owner of the Railway right-of-way and other miscellaneous assets used for the purposes of and in connection with The London and Port Stanley Railway, subject to outstanding bonds and to the terms and provisions of a lease bearing date the Twenty-eighth day of November, 1913, whereby the Vendor leased unto the Purchaser the railway right-of-way and other miscellaneous assets used in conjunction with the London and Port Stanley Railway as were the property of and in possession of the Vendor, for the term of ninety-nine years from the First day of January, 1914;

AND WHEREAS the Purchaser is the owner of upwards of ninety per cent of the capital stock of the Vendor Company and is the owner of all outstanding bonds and obligations of the Vendor;

AND WHEREAS the indebtedness upon the said bonds and the other outstanding obligations of the Vendor to the Purchaser greatly exceeds the value of all assets of the Vendor;

AND WHEREAS the Vendor has no other debts or obligations;

AND WHEREAS the Vendor and the Purchaser have agreed for the transfer of all the assets of the Vendor unto the Purchaser upon the terms and conditions hereinafter set forth;

NOW THEREFORE THIS INDENTURE WITNESSETH that the Vendor and the Purchaser agree each with the other in the manner following:

1. The vendor sells, transfers, grants, sets over and assigns unto the Purchaser all its assets, both real, personal and mixed, including the undertaking known as The London and Port Stanley Railway and such of the appurtenances thereto as are the property of the vendor and every other right, power, privilege, franchise, goodwill, chose in action, including every right, power and privilege under any lease or agreement.

2. The said assets shall forthwith vest in the Purchaser upon this agreement coming into force and effect without further formality, but the Company will execute such further assurances, grants, transfers, assignments, deeds and bills of sale as the Purchaser may reasonably request.

3. In consideration therefor the Purchaser releases all its claims in respect of the debts and obligations owing by the Vendor.

4. Rental owing in respect of the said lease shall be apportioned as of the date of the coming into force and effect of this agreement and the term granted by the said lease shall be merged in the freehold estate hereby granted.

5. This agreement shall come into force and take effect upon being confirmed by an Act of the Parliament of Canada.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their respective corporate seals attested by the hands of their respective proper officers.

THE LONDON AND PORT STANLEY
RAILWAY COMPANY

A. J. RUSH,
President.
R. H. COOPER,
Secretary.

(Seal)

THE CORPORATION OF THE CITY
OF LONDON

A. J. RUSH,
Mayor.
R. H. COOPER,
Clerk.

CHAPTER 109

An Act to incorporate The Metropolitan Toronto Foundation

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

WHEREAS the persons named in section 1 by their Preamble petition have represented that it is desirable and in the public interest to create a perpetual body to receive, maintain, manage, control and use donations for charitable purposes within Ontario; and whereas the petitioners have prayed that special legislation be passed for such purposes; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Wilfred Harold Clark, Esq., George Albert Weale, Esq., Foundation incorporated Harry Holcombe Wilson, Esq., James Wilson Berry, Esq., and Wallace Gladwyn Angus, Esq., Q.C., all of The Municipality of Metropolitan Toronto, and their successors as members of the Board of Directors of the Foundation, are hereby constituted a body corporate and politic without share capital under the name of The Metropolitan Toronto Foundation, hereinafter called the Foundation.

2. The objects of the Foundation are to receive, maintain, Objects manage, control and use donations for charitable purposes within Ontario.

3.—(1) The Foundation shall be composed of the members Members of Foundation for the time being of the Board of Directors of the Foundation, hereinafter called the Board.

(2) The first members of the Board shall be the applicants First Board named in section 1 and they shall serve for a period of three months after this Act comes into force, but any such members shall be eligible for re-appointment.

(3) Commencing three months after this Act comes into Idem force, the Board shall be composed of six members appointed by the nominating committee.

Term of office

(4) Two of such members shall serve for one year, two of such members shall serve for two years and two of such members shall serve for three years.

Remuneration and term of office

(5) Members of the Board shall serve without remuneration and, subject to subsection 4, shall be appointed for a term of three years.

Re-appointment

(6) No member of the Board shall be eligible for re-appointment until one year has elapsed after he ceases to hold office.

Vacancies

(7) A vacancy occurring in the membership of the Board by reason of the expiration of a term of office shall be filled by appointment by the nominating committee provided for in section 4.

Idem

(8) A vacancy arising in the membership of the Board by reason of death, resignation or any other cause, other than the expiration of a term of office, shall be filled by appointment by the nominating committee provided for in section 4, and any person so appointed shall hold office for the unexpired portion of the term of office of his predecessor.

Composition of nominating committee

4.—(1) The nominating committee shall consist of the persons holding the following offices from time to time:

1. The Chairman of The Municipality of Metropolitan Toronto.
2. The Mayor of the City of Toronto.
3. The Honourable, the Chief Justice of the Supreme Court of Ontario.
4. The President of the University of Toronto.
5. The President of The Board of Trade of the City of Toronto.
6. The President of The County of York Law Association.

Meetings

(2) The nominating committee shall meet annually or oftener upon the call of the secretary of the Board, if any, or upon the call of the chairman of the nominating committee whenever it is necessary to fill a vacancy in the Board.

Rules

(3) The nominating committee may make such rules governing its procedure, including the appointment of a chairman, as it deems advisable.

(4) A quorum of the nominating committee for any meeting Quorum shall be not less than three of its members present in person, and a majority vote of all the members of the committee shall be required for the appointment of a member of the Board.

(5) If the nominating committee fails to appoint a person ^{Appointment by Judge} to fill a vacancy in the membership of the Board within sixty days after the vacancy occurs, the remaining members of the Board may apply to a Judge of the Supreme Court to make the appointment, and the Judge to whom the application is made may appoint any person to fill the vacancy or make such other order as he deems just.

5.—(1) The Board may pass by-laws not contrary to this ^{Powers of} _{Board} Act to regulate and govern its procedure and actions and the conduct and administration of the affairs of the Foundation.

(2) Without limiting the generality of subsection 1, the ^{I^dem} Board may pass by-laws,

- (a) regulating the calling of and the procedure at meetings of the Board, and fixing the time and place of such meetings;
- (b) fixing the quorum of the Board;
- (c) regulating the appointment, functions, powers, duties, remuneration and removal of officers, servants and agents of the Foundation.

(3) Any by-law of the Board may be repealed or amended ^{Repeal and amendment of by-laws} by the Board in accordance with such rules or regulations as it may prescribe by by-law.

(4) By-laws of the Board shall require the approval either ^{Approval} at a meeting or in writing of the majority of the members of the Board.

6. The Foundation is hereby empowered,

^{Powers of} Foundation

- (a) to receive directly donations of, and hold, control and administer, real and personal property of every kind and description wherever situated;
- (b) to receive donations or the benefit of donations indirectly either by way of testamentary disposition or deed of trust or otherwise, and to use and expend or direct the using and expending of real or personal property of every kind and description, wherever situated, or the income therefrom;

(c)

- (c) except as hereinafter provided, to convert any property at any time and from time to time received and held by or on behalf of the Foundation into any other form and for that purpose to sell or cause and authorize the property to be sold, assigned, transferred, leased, exchanged or otherwise disposed of;
- (d) to pass on and entrust to one or more trust companies the custody and management of all or any part of the property at any time and from time to time received or held by the Foundation in such manner and in such proportions as the Board deems proper, and to enter into agreements with such trust companies with respect thereto;
- (e) to direct any trust company to manage and administer as a single fund and in such manner as the Board deems advisable any one or more donations held by such trust company for the purposes of the Foundation under any testamentary document or deed of trust or otherwise;
- (f) to lease any lands at any time held by the Foundation;
- (g) to pay and apply the net income in each year from all funds held directly or indirectly by it toward such charitable purposes within Ontario as the Board deems advisable;
- (h) to pay, apply and distribute such portion as it deems advisable of the capital of the funds, held directly or indirectly by it, to and for such charitable purposes within Ontario as it deems advisable provided that, unless otherwise specifically provided by the donor of any sum or fund, not more than a total of 10 per cent of the balance of the capital of the sum or fund shall be so distributed during any period of four consecutive years, and provided further that no distribution of capital shall be made without the unanimous consent of all directors, given in person at a meeting of the Board or if not present at a meeting then in writing within the sixty days next after the meeting;
- (i) except as hereinafter provided, to control the management and investment of all its funds; provided that, where a trust company is specifically appointed as trustee of any fund by any testamentary document or deed of trust or otherwise, such trust company shall have the physical custody of such fund and,

subject to the specific terms of any such document, shall invest and reinvest the same within the general policy of investment laid down by the Board; and provided further that the custody of all securities and the accounting therefor may be entrusted by the Board to one or more trust companies and thereupon any such trust company shall invest and reinvest the same within the general policy of investment laid down by the Board;

- (j) to direct the investment of all its funds, which are to be invested by the Foundation or by any trust company or other trustee, in investments authorized for the investment of funds of life insurance companies in Canada; provided that the Board may authorize and direct the retention of any specific assets donated or bequeathed to the Foundation by any testamentary document or deed of trust or otherwise for such length of time as the Board in its sole discretion deems advisable notwithstanding that it does not consist of assets in which the Foundation is authorized to invest by this Act, and the Foundation and the members of the Board shall under no circumstances be liable, nor shall any trust company or other trustee acting on the instructions of the Board be liable, for any loss or damage that may be suffered by reason of the retention of any such assets as aforesaid or the investment of any such moneys in accordance with the power and authority given in this clause;
- (k) to employ such person or persons, including trust companies, and to take such other action, as it deems advisable for the more efficient carrying out of the purposes of the Foundation, and such employees may be paid such reasonable compensation out of, and the Board may charge the expenses of any such other action to, the income or capital, or both, of the funds of the Foundation as the Board deems advisable;
- (l) to set aside, or in its discretion to refrain from setting aside, any part of the income received by it from securities taken or purchased as part of the funds of the Foundation at a premium, as a sinking fund to retire or amortize such premium, and to determine in its uncontrolled discretion in respect of all funds of the Foundation what shall be treated as income and what shall be treated as capital as to each respective transaction therein and to charge or apportion any losses or expenses to capital or income as it deems best;

(m)

(m) to compromise, compound and adjust claims in favour of or against the property held or intended to be held by it, upon such terms and conditions as it deems just, expedient and proper.

Specific powers

7.—(1) The Foundation may accept donations either directly or indirectly subject to the condition that the income or capital or both thereof shall be paid and applied to a specific charitable purpose, either for a specific or an indefinite period of time.

Proviso

(2) Subsection 1 applies only if the donation is also subject to the condition that, after the expiration of a specific or indefinite period of time or at any time, there shall be a discretionary power vested in the Board to pay or apply the income or capital of the donation to some other charitable purpose or that, if the Board is satisfied that conditions are such as to render it impractical or inefficient to expend all or any part of such moneys for such specific purpose, then upon the unanimous approval of the members of the Board given either at a meeting or in writing within sixty days next after the meeting and within the limits of the discretionary power all or any part of such moneys may be paid and applied to such other charitable purposes as the Board deems advisable.

Idem

(3) If any such donation is made subject to the condition that the income or capital or both shall be paid and applied to a specific charitable organization for a specific period of time, and if such specific charitable organization ceases to exist within the specific period of time, then for the balance of the period the income or capital or both shall be applied to such other charitable purpose as is directed by a Judge of the Supreme Court in accordance with the laws in force from time to time in Ontario.

Form of words

8. Any form of words is sufficient to constitute a donation for the purposes of this Act so long as the donor indicates an intention to contribute presently or prospectively to the Foundation.

Nature of donations

9. The Foundation may accept a donation notwithstanding that some portion of the benefit of the donation is directed to be applied to charitable purposes outside Ontario, if such portion of the benefit of the funds is directed to be applied to charitable purposes within Canada.

Treatment of donations

10.—(1) Subject to subsection 2, all donations made directly or indirectly to the Foundation may be treated for all purposes as a general fund.

(2) In the case of a donation of \$25,000 or more, the donor ^{Idem} may require that such donation be maintained as a separate fund, in which case in each year thereafter a separate accounting thereof shall be set out in the annual audited report.

(3) Unless otherwise directed by testamentary document ^{Acknowledgments} or deed of trust or otherwise, all donations shall be publicly acknowledged, in the year following that in which they are made, by being set out in the annual audited report.

(4) Unless otherwise directed by testamentary document ^{Idem} or deed of trust or otherwise, donations from any one person shall be publicly acknowledged in every year following their receipt by being set out in the annual audited report provided that if one person makes more than one donation then only the total of that person's donations, as they may be from time to time, need be shown.

11.—(1) The Foundation shall cause an audit to be made ^{Audit} at least once in every fiscal year, by an independent auditor who shall be either a Chartered Accountant or a Certified Public Accountant, of the receipts and disbursements of the funds of the Foundation.

(2) The audit shall include all assets held by the Foundation ^{Idem} or any trust company on its behalf, or held by any trustee in trust for the Foundation and, notwithstanding that any such funds may be held by a trustee pursuant to the provisions of a testamentary document or deed of trust, such trustee shall give an accounting thereof to the auditor of the Foundation in each year.

(3) The Foundation shall cause to be published in the ^{Publication of statement} newspaper published in the City of Toronto, Ontario, reputed to have the largest circulation therein, a certified statement by the auditor setting out the receipts and disbursements and capital assets of the Foundation or held in trust for the Foundation.

(4) The statement shall show separately the receipts and ^{Contents of statement} disbursements and capital assets of any fund which is held separately but with respect to other assets may show the same as a general fund.

(5) The statement shall set out in detail the purposes for ^{Idem} which the income has been used and the expenses of the Foundation, all in accordance with good accounting practice.

(6) The Board and any trust company or other trustee ^{Information and} holding funds in trust for the Foundation shall give full inspection information and permit all necessary inspection to enable such audit to be made.

Application
of
R.S.O. 1950,
c. 50.

(7) The Foundation shall be subject in all respects to *The Charities Accounting Act*.

Limitation
on powers

12. Any power conferred on the Foundation by this Act shall not be exercised in respect of any donation in contravention of any express provision to the contrary in the document of trust governing such donation.

Commencement

13. This Act comes into force on the day it receives Royal Assent.

Short title

14. This Act may be cited as *The Metropolitan Toronto Foundation Act, 1956*.

CHAPTER 110

**An Act respecting
the City of Niagara Falls**

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

WHEREAS The Corporation of the City of Niagara Falls Preamble by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The agreement made between The Corporation of the Agreement validated City of Niagara Falls, The Corporation of the Township of Stamford and The Corporation of the Village of Chippawa, dated the 18th day of January, 1956, set forth as the Schedule hereto, is hereby validated and confirmed and declared to be legal, valid and binding upon the parties thereto, and The Corporation of the City of Niagara Falls, The Corporation of the Township of Stamford and The Corporation of the Village of Chippawa are hereby empowered to pass all necessary by-laws and do all other acts, matters and things as may be deemed necessary by the parties for the full and proper carrying out of the provisions thereof.
2. This Act comes into force on the day it receives Royal Commencement Assent.
3. This Act may be cited as *The City of Niagara Falls Act*, Short title 1956.

SCHEDULE

MEMORANDUM OF AGREEMENT made in triplicate this 18th day of January, 1956.

BETWEEN:

THE CORPORATION OF THE CITY OF NIAGARA FALLS,
(hereinafter called the City),

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWNSHIP OF STAMFORD,
(hereinafter called the Township),

OF THE SECOND PART,

—and—

THE CORPORATION OF THE VILLAGE OF CHIPIAWA,
(hereinafter called the Village),

OF THE THIRD PART.

WHEREAS it has become necessary to build a new General Hospital for the Greater Niagara Area;

AND WHEREAS the City has agreed to furnish a contribution to the Greater Niagara General Hospital of \$818,000.00 and the Township has agreed to furnish a contribution to the Greater Niagara General Hospital of \$805,000.00 and the Village has agreed to furnish a contribution to the Greater Niagara General Hospital of \$77,000.00 for the construction of the proposed new hospital in accordance with the plans of the Greater Niagara General Hospital upon and subject to the terms hereinafter contained;

AND WHEREAS the City, Township and Village have agreed to raise the contributions above mentioned by the sale of debentures payable over a twenty-year period and have agreed among themselves to adjust the amount to be raised by each municipality in each year during the lifetime of the debentures upon the basis of the original apportionment and as hereinafter set forth;

Now THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the premises, the parties hereto mutually covenant and agree each with the other of them as follows:

1. The City shall raise the sum of \$818,000.00, the Township shall raise the sum of \$805,000.00 and the Village shall raise the sum of \$77,000.00 and contribute the same to the Greater Niagara General Hospital for the construction of a new hospital upon a site at Poplar Park in the City of Niagara Falls now owned by the Greater Niagara General Hospital.

2. While the amounts determined in Paragraph 1 hereof for each municipality are determined 50 per cent on a 1955 assessment basis including an adjustment allocation under Section 51a of *The Assessment Act* for buildings constructed during 1955 and 50 per cent on a population basis for the 1955 population, it is understood and agreed that each year during the years 1957 to 1976 inclusive, or during the estimated lifetime of the debentures to be sold by the municipalities, an adjustment shall be made by the Fifteenth of February in each year between the three parties hereto to adjust the amount to be raised by each municipality for each of the said years so that each municipality shall be required to raise its own proportion of the amount required to retire the total debentures issued by the three municipalities on the basis of that year's revised

assessment and population and if during the said period, the share of any of the three municipalities is increased as a result of such calculations based 50 per cent on revised assessment and 50 per cent on population, the municipality whose share is so increased shall contribute the amount by which that municipality's share is increased to the other municipalities whose shares are reduced in accordance with the amount of the reduction in each case.

3. It is the intention of this agreement that while the municipalities concerned are raising the money by the sale of debentures in the proportions above stated, that during the next twenty years while the obligations incurred by the said municipalities under the said debentures are being raised by taxes that the monies required for payment of the said debentures shall be raised in the proportions above mentioned each year being 50 per cent on an amended assessment basis and 50 per cent on a population basis by each of the municipalities concerned.

4. It is understood and agreed that each of the parties hereto will support an application for a Special Act to approve and validate this agreement.

IN WITNESS WHEREOF THE PARTIES hereto have hereunto set their Corporate Seals duly attested by their proper officers in that behalf.

THE CORPORATION OF THE CITY OF NIAGARA FALLS

M. MALLETT

(Seal)
City of Niagara Falls,
Ontario.

ERNEST M. HAWKINS,
Mayor.

D. C. PATTEN,
Clerk.

THE CORPORATION OF THE TOWNSHIP OF STAMFORD

MARY L. ADAMS

(Seal)
Township of Stamford.

A. G. BRIDGE,
Reeve.

A. C. HUGGINS,
Clerk.

THE CORPORATION OF THE VILLAGE OF CHIPPAWA

J. L. COLLINSON

(Seal)
Village of Chippawa.

GEORGE BUKATOR,
Reeve.

ROBERT T. N. CALLAN,
Clerk.

CHAPTER 111

An Act respecting the Township of North York

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

WHEREAS The Corporation of the Township of North York, hereinafter called the Corporation, by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of the Corporation may pass by-laws, By-laws re
adequate
heat in
rented
accom-
modation
 - (a) requiring the maintenance of adequate and suitable heat for rented or leased dwelling or living accommodation which, as between the tenant or lessee and the landlord, is normally heated by or at the expense of the landlord;
 - (b) defining adequate and suitable heat; and
 - (c) providing for the inspection of such dwelling or living accommodation.
2. This Act comes into force on the day it receives Royal Assent. Commencement
3. This Act may be cited as *The Township of North York Act, 1956*. Short title

CHAPTER 112

An Act respecting the City of Ottawa

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

WHEREAS The Corporation of the City of Ottawa by ^{Preamble} its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of subsection 1 of section 1 of *The City of Ottawa Act, 1952*, c. 1<sup>952, c. 130,
s. 1, subs. 1,</sup> is amended by inserting after “of” in the <sup>cl. b,
amended</sup> second line “or paying the municipal taxes on”, so that the clause shall read as follows:

(b) “owner” includes the person for the time being managing or receiving the rent of or paying the municipal taxes on the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let.

(2) Subsection 2 of the said section 1 is repealed and the <sup>1952, c. 130,
s. 1, subs. 2,
re-enacted</sup> following substituted therefor:

(2) The council of the Corporation may pass by-laws for ^{Standard of fitness of dwelling} fixing a standard of fitness for human habitation to which all dwellings shall conform, for requiring the owners of dwellings to make them conform to the standard or to demolish buildings, structures or erections forming part of dwellings which do not conform to the standard, for prohibiting the use of dwellings which do not conform to the standard, for authorizing the placarding in such manner as the by-law may specify of dwellings which do not conform to the standard and prohibiting the pulling down or defacing of any such placard, for governing and regulating persons in the use and occupancy of dwellings and for appointing a tribunal or inspectors

or both a tribunal and inspectors for the administration and enforcement of the by-laws.

1952, c. 130,
s. 1, subs. 6,
re-enacted

(3) Subsection 6 of the said section 1 is repealed and the following substituted therefor:

Rights to
enforce
conformity

(6) If any owner of a dwelling fails within such time as may be specified by the Corporation or the tribunal appointed under subsection 2 to make the dwelling conform to the standard required by a by-law passed under this section or to demolish all or any part of any building, structure or erection forming part of the dwelling as directed by the Corporation or the tribunal, the Corporation or the tribunal in addition to all other remedies shall have the right to make the dwelling conform to the standard or to demolish or cause to be demolished all or any part of any building, structure or erection forming part of the dwelling and to do any work on adjoining property necessitated by the work involved in making the dwelling conform to the standard or by the demolition and for such purposes with the servants and agents of the Corporation from time to time to enter upon the lands of the owner and upon adjoining property and neither the Corporation nor the tribunal shall be liable to compensate the owner or any other person by reason of anything done by or on behalf of the Corporation or the tribunal under this subsection, and, for any amount expended by or on behalf of the Corporation or the tribunal under this subsection, the Corporation shall have a lien upon the dwelling in respect of which the amount was expended and, subject to the appeal provided by subsection 9, the certificate of the City clerk as to the amount expended shall be final, and such amount shall be added to the collector's roll of taxes for the current year and shall be collected as taxes.

1952, c. 130,
s. 1, subs. 8,
amended

(4) Subsection 8 of the said section 1 is amended by inserting after "Corporation" in the first and second lines "or the tribunal appointed under subsection 2", so that the subsection shall read as follows:

Proviso

(8) Before proceeding under subsection 3 or 6, the Corporation or the tribunal appointed under subsection 2 shall notify any mortgagee appearing on the registered title, by registered letter, specifying wherein the dwelling is defective and if all defects are not remedied within one month from such notification then the provisions of subsections 3 and 6 hereof shall apply.

(5) Subsection 10 of the said section 1 is repealed and <sup>1952, c. 130,
s. 1, subs. 10,
re-enacted</sup> the following substituted therefor:

- (10) For the enforcement of any by-law passed under <sup>Powers of
inspector</sup> this section, any inspector appointed under sub-section 2 and any person acting under his instructions shall have the same right to enter, inspect and examine any dwelling or premises as an inspector under section 82 of *The Public Health Act* and the <sup>R.S.O. 1950,
c. 306</sup> provisions of sections 82, 123, 124, subsections 2 and 3 of section 125 and section 126 of the said Act shall *mutatis mutandis* apply.

2.—(1) The council of the Corporation may pass by-laws <sup>Parking
authority</sup> for establishing a parking authority to be known as "The Parking Authority of the City of Ottawa" and may entrust to the parking authority the construction, maintenance, control, operation and management of municipal parking facilities within the municipality.

(2) A parking authority established under this section shall <sup>Incor-
poration</sup> be a body corporate and shall consist of three members each of whom shall be a resident or ratepayer of the City of Ottawa.

(3) The members of the parking authority shall be appointed by the council on the nomination of the Board of Control but in the event of the Board of Control failing to submit a nomination to the council within one month after,

- (a) the passing of the by-law establishing the parking authority;
- (b) the term of office for which a member is appointed expires; or
- (c) the office of a member becomes vacant,

the council may, on the affirmative vote of at least two-thirds of all the members of the council present and voting, nominate and appoint the member.

(4) Initially one member of the parking authority shall <sup>Term of
office</sup> be appointed to hold office for three years, one for two years and one for one year and thereafter each member shall be appointed to hold office for three years.

(5) Notwithstanding the expiry of the term of office for ^{Idem} which he is appointed, a member of the parking authority shall hold office until his successor is appointed.

Vacancy

(6) Whenever the office of a member of the parking authority becomes vacant during his term of office, the council shall, as set out in subsection 2, appoint as member some qualified person who shall hold office for the remainder of the term for which his immediate predecessor was appointed.

Application
of
R.S.O. 1950,
c. 243, s. 386,
par. 52a

(7) The provisions of paragraph 52a of section 386 of *The Municipal Act*, except clauses *a* and *c*, shall apply to a parking authority established under this section.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The City of Ottawa Act, 1956*.

CHAPTER 113

**An Act respecting
Ottawa Community Chests**

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

WHEREAS the Ottawa Community Chests, a corporation incorporated under *The Companies Act*, by its petition has represented that it is composed of a number of charitable organizations in the City of Ottawa and has prayed that special legislation be passed to provide that its buildings, lands, equipment and undertaking be exempt from municipal taxation; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding any special or general Act, the council of The Corporation of the City of Ottawa may pass by-laws exempting from taxes, other than local improvement rates, the land, as defined in *The Assessment Act*, of Ottawa Community Chests, provided that the land is owned by Ottawa Community Chests and occupied by, used solely and carried on for the purposes of Ottawa Community Chests or any of its member agencies, to such extent and on such conditions as may be set out in the by-law.
2. This Act comes into force on the 1st day of January, 1957.
3. This Act may be cited as *The Ottawa Community Chests Act, 1956*.
Commencement
Short title

CHAPTER 114

**An Act respecting
the City of Peterborough**

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

WHEREAS The Corporation of the City of Peterborough Preamble by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The purchase of the lands more particularly described in registered instruments Nos. 12933 and 12852, for the Township of North Monaghan, and Nos. 45388, 44486 and 44547, for the City of Peterborough, respectively, from the Public Trustee, John Albert Williams, Charles Edward Graham and Bert Cecil Graham, respectively, by The Corporation of the City of Peterborough are ratified, confirmed and declared to be legal, valid and binding, and each conveyance of the said lands to The Corporation of the City of Peterborough shall be deemed to have had the effect of vesting said lands in the Corporation in fee simple, and the lands so purchased shall be deemed to have been acquired for the purposes of the Corporation.

2. The conveyances by The Corporation of the City of Peterborough to Coca-Cola Ltd., Raymond John Lemery and Arnold Steele of lands more particularly described in deeds dated the 5th day of November, 1948, the 16th day of October, 1951, and the 13th day of December, 1952, and registered as Nos. 49857, 58484 and 62919, respectively, for the City of Peterborough, are ratified and confirmed and declared to be legal and valid, and such conveyances shall be deemed to have had the effect of vesting the said lands in Coca-Cola Ltd., Raymond John Lemery and Arnold Steele in fee simple.

3. This Act comes into force on the day it receives Royal Assent.

4. This Act may be cited as *The City of Peterborough Act*, Short title
1956.

CHAPTER 115

An Act respecting the City of Port Arthur

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

WHEREAS The Corporation of the City of Port Arthur Preamble by its petition has represented that it has by By-law No. 2614 provided pensions for full-time employees of the Corporation, which by-law was passed pursuant to *The Municipal Act* R.S.O. 1950, c. 243 which permits only the providing of such pensions by contract either with Her Majesty in accordance with the *Government Annuities Act* (Canada) or with an insurer licensed under *The Insurance Act*, or with both Her Majesty and an insurer, and that it considers that in order to provide greater benefits for such employees it is desirable that additional powers be conferred upon the council of the Corporation; and whereas the petitioner has prayed for special legislation in respect of such matter; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In addition to its powers under paragraph 48 of section 386 of *The Municipal Act*, the council of The Corporation of the City of Port Arthur may pass by-laws with the approval of the Department of Municipal Affairs for providing pensions for employees of The Corporation of the City of Port Arthur or any local board thereof, or any class of employees and their wives and children.

2. Subsection 1 of section 300 of *The Municipal Act* shall not apply to any by-law passed under this section or to any debt incurred thereby.

3. This Act comes into force on the day it receives Royal Assent.

4. This Act may be cited as *The City of Port Arthur Act*, Short title 1956.

CHAPTER 116

**An Act respecting
The Protestant Home of St. Catharines**

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

WHEREAS The Protestant Home of St. Catharines by *Preamble* its petition has represented that the Ladies' Christian Association of St. Catharines was incorporated under *An Act* ^{1874, c. 34} respecting *Benevolent, Provident and other Societies*, being chapter 34 of the Acts passed in the thirty-seventh year of the reign of Her late Majesty, Queen Victoria, for the purpose of acquiring property for a home in the City of St. Catharines as a place of refuge for the poor and destitute and for the dispensation of relief to the needy; and whereas by *An Act* ^{1882, c. 83} respecting the *Ladies' Christian Association of St. Catharines*, being chapter 83 of the Acts passed in the forty-fifth year of the reign of Her late Majesty, Queen Victoria, the name of the Association was changed to The Protestant Home of St. Catharines and additional powers were granted to receive, care for and sustain children of tender years; and whereas the need for the activities of The Protestant Home of St. Catharines having ceased to exist, the real property having been sold and the proceeds paid into the Supreme Court of Ontario pursuant to an order of the Honourable Mr. Justice King, dated the 17th day of January, 1951; and whereas The Corporation of the City of St. Catharines and The Corporation of the County of Lincoln have entered into an agreement under *The Homes for the Aged Act, 1955* to establish ^{1955, c. 30} a joint home for the aged; and whereas the Board of Directresses of The Protestant Home of St. Catharines desires to turn over all its funds, including the said moneys paid into Court, to The Corporation of the City of St. Catharines to assist it in paying the City's share of the cost of the home for the aged; and whereas The Protestant Home of St. Catharines has prayed for special legislation to effect such purpose; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. All the funds of The Protestant Home of St. Catharines, consisting of bonds, shares of stock and money, including the Funds of
Protestant
Home
vested in
St.
Catharines

moneys

moneys paid into the Supreme Court of Ontario pursuant to an order thereof, dated the 17th day of January, 1951, and accrued interest thereon, are hereby vested in The Corporation of the City of St. Catharines.

Use of
funds

1955, c. 30

2. The council of The Corporation of the City of St. Catharines shall use the said funds and the proceeds thereof for the purpose of paying part of its share of the cost of a joint home for the aged to be established under an agreement entered into by The Corporation of the City of St. Catharines and The Corporation of the County of Lincoln under *The Homes for the Aged Act, 1955*.

Protestant
Home
dissolved

3. The Protestant Home of St. Catharines is hereby dissolved.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Protestant Home of St. Catharines Act, 1956*.

CHAPTER 117

An Act respecting the County of Renfrew

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

WHEREAS The Corporation of the County of Renfrew Preamble by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** The council of The Corporation of the County of Renfrew Debenture by-law authorized is hereby authorized to pass a by-law, without the approval of the Ontario Municipal Board, to borrow the sum of \$250,000 upon debentures payable in not more than ten years for regrading and paving of 44.3 miles of county roads, such amount and the interest thereon shall be recoverable from that part of the County of Renfrew which constitutes from time to time the County Good Road System and such by-law when duly passed shall be legal, valid and binding upon The Corporation of the County of Renfrew.
- 2.** This Act comes into force on the day it receives Royal Commencement Assent.
- 3.** This Act may be cited as *The County of Renfrew Act*, Short title 1956.

CHAPTER 118

An Act respecting the Sarnia General Hospital

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

WHEREAS The Corporation of the City of Sarnia by Preamble its petition has represented that by *An Act respecting the Sarnia General Hospital*, being chapter 163 of the Statutes of Ontario, 1920, as amended by *The Sarnia General Hospital Act, 1928*, c. 110 *The Sarnia General Hospital Act, 1946*, c. 138 and *The Sarnia General Hospital Act, 1955*, c. 113 no provision was made giving The Hospital Commission power to borrow for the current operating purposes of the hospital; and whereas the Corporation by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 14 of *An Act respecting the Sarnia General Hospital*, being chapter 163 of the Statutes of Ontario, 1920, ^{s. 14,} ^{1920, c. 163,} amended is amended by adding thereto the following subsection:

(2) The Hospital Commission may borrow from time to time, subject to the approval of the council, such sums as may be required for the current operating purposes of the hospital; provided that the amount of such borrowings shall not exceed \$200,000 at any one time, and the council shall be empowered to make temporary advances to The Hospital Commission from time to time for such purposes. Borrowing powers and temporary advances

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Sarnia General Hospital Act, 1956.* Short title

CHAPTER 119

An Act respecting the City of Sault Ste. Marie

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

WHEREAS The Corporation of the City of Sault Ste. Marie, hereinafter called the Corporation, by its petition has represented that it is desirable to increase the number of members of The Public Utilities Commission of the City of Sault Ste. Marie to seven members instead of five members as at present provided and to provide for their election and has prayed for special legislation in respect thereof; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to the provisions of this Act, The Public Utilities Commission of the City of Sault Ste. Marie, herein-after called the Commission, heretofore established for the administration of the water and light systems of the City, is hereby continued.

2. The Commission shall consist of seven members, six to be elected, one from each ward in the City, at the same time and place and in the same manner as the members of the council of the Corporation and the seventh to be the Mayor of the City *ex officio*.

3. A member of the council of the Corporation, other than the Mayor, and a member of any board or commission acting for or on behalf of the Corporation shall not be eligible to be elected to the Commission.

4.—(1) At the first annual municipal election held after this Act comes into force,

- (a) the members elected from Wards 1, 3 and 5 of the City shall hold office for two years; and
- (b) the members elected from Wards 2, 4 and 6 of the City shall hold office for one year.

Idem

(2) At all subsequent elections, members of the Commission shall be elected for a two-year term.

Idem

(3) Members of the Commission shall continue in office until the end of the year in which their successors are elected.

Vacancies

5. A vacancy from any cause in the membership of the Commission shall be filled by the council of the Corporation and the newly-appointed member shall hold office for the balance of the term of the member who vacated the office and shall continue in office until the end of the year in which his successor is elected.

Salaries of commissioners

6. The commissioners may be paid salaries in accordance with *The Public Utilities Act*.

Application of R.S.O. 1950, c. 320

7. Except as varied by this Act, the provisions of *The Public Utilities Act* shall apply to the Commission and its members.

By-law validated

8. By-law No. 2370 of the Corporation, set forth as the Schedule hereto, is hereby validated and confirmed.

By-laws void

9. All by-laws, except By-law No. 2370, of the Corporation passed with respect to the Commission shall be void.

1952, c. 134, repealed

10. *The City of Sault Ste. Marie Act, 1952* is repealed.

Establishment of bus system

11.—(1) The Corporation may establish by purchase or otherwise a municipally-operated bus transportation system in the City of Sault Ste. Marie and may own real and personal property for use in connection therewith.

Debentures

(2) Subject to the approval of the Ontario Municipal Board, the Corporation may issue debentures, without the assent of the electors, for the purposes mentioned in subsection 1.

Operation by Commission

(3) The Corporation may, by by-law, entrust the construction of the work in connection with the transportation system and the control and management of the system to the Commission.

Commencement

12.—(1) This Act, except section 10, comes into force on the day it receives Royal Assent.

Idem

(2) Section 10 comes into force on the 1st day of January, 1957.

Short title

13. This Act may be cited as *The City of Sault Ste. Marie Act, 1956*.

SCHEDEULE

BY-LAW NO. 2370

OF THE CORPORATION OF THE CITY OF SAULT STE. MARIE

Being a by-law to authorize an application of the City of Sault Ste. Marie for special legislation to provide for an increase in the number of Public Utilities Commissioners from five to seven and for their election by wards in the same manner as aldermen are elected.

WHEREAS there are at present five Public Utilities Commissioners of whom one is *ex-officio* the Mayor, and the remaining four are appointed by the Municipal Council of the said Corporation as provided by 1 Elizabeth II, Chapter 134, Section 2.

AND WHEREAS it is deemed advisable and expedient to increase the number of members of the Public Utilities Commission from five to seven and to provide for their election, and to apply for a special act of the legislature of the Province of Ontario to authorize such increase and election.

NOW THEREFORE the Municipal Council of the Corporation of the City of Sault Ste. Marie enacts as follows:

1. The Public Utilities Commission of the City of Sault Ste. Marie shall consist of seven members of whom the Mayor shall *ex-officio* be one and the other six shall be elected one from each ward in the said City at the same time and place and in the same manner as the members of the council, provided that a member of the council of the Corporation, other than the Mayor, and a member of any board or commission acting for or on behalf of such Corporation, shall not be eligible to be so elected.

2. One-half of the first elected members shall hold office for two years and the other one-half for one year, those representing wards 1, 3 and 5 to be elected for the two-year term and those representing wards 2, 4 and 6 to be elected for a one-year term and they shall continue in office until their successors are elected. At all subsequent elections the members shall be elected for a term of two years.

3. Application shall be made to the Legislature of the Province of Ontario at its next session or as soon as may be expedient for a special Act to authorize the increase in number of members of the Public Utilities Commission and provide for their election as in paragraph one hereof provided.

4. This by-law, after being read a first and second time, shall be submitted to the electors of the City of Sault Ste. Marie for their approval.

5. In case the approval of a majority of the electors voting on the said by-law is obtained, this by-law shall thereupon be given third reading and finally passed and shall come into force on such date as the special act of the legislature of the Province of Ontario for which application is to be made, shall declare.

READ a first and second time this 24th of October, A.D. 1955.

C. H. SMALE,
Mayor.

(Seal)

G. H. TOLLEY,
Clerk.

READ a third time and finally passed this 19th day of December, A.D. 1955.

C. H. SMALE,
Mayor.

(Seal)

G. H. TOLLEY,
Clerk.

CHAPTER 120

**An Act respecting the
Society of Interior Decorators of Ontario**

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

WHEREAS the Society of Interior Decorators of Ontario Preamble by its petition has represented that it is desirous of being continued as a body corporate and politic under the name "The Society of Interior Designers of Ontario" for the purpose of increasing the knowledge, skill and proficiency of its members in all things relating to interior designing and generally for the carrying out of the objects of the Society; and whereas the petitioner has prayed for special legislation to effect such purposes; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Society of Interior Decorators of Ontario is Society continued continued as a body corporate and politic under the name "The Society of Interior Designers of Ontario", herein called the Society.

2. The objects of the Society shall be to supervise the Objects training of, and to regulate standards of design and practice of its members.

3.—(1) All persons of good character resident in Ontario Membership who, on the day upon which this Act comes into force, are in good standing as members of the Society of Interior Decorators of Ontario shall be admitted to the register and, together with all other persons admitted to the register, shall constitute the membership of the Society.

(2) Application for registration as a member of the Society Idem shall be made in the manner and on the forms prescribed by the by-laws of the Society.

(3) The Society shall have six classes of members: namely, Classes of members active members, junior members, student members, associate members, honorary members and trade members.

Record

4.—(1) A record, which shall be open for inspection to the public at all reasonable times, shall be kept containing the names of all members of the Society in good standing.

Idem

(2) Only those members whose names appear in such record shall be entitled to the privileges of membership in the Society.

Real and personal property

5. The Society may acquire by purchase, lease or otherwise, and hold real and personal property for its purposes and alienate, exchange, lease, mortgage or otherwise dispose of the same or any part thereof as occasion may require.

Committee of Management

6.—(1) The affairs of the Society shall be under the management of a Committee of Management composed of nine members who shall be elected for such term and in such manner as the by-laws may provide.

Voting

(2) The election of the Committee of Management, hereinafter called the Committee, and all other questions voted on at a meeting of the Society shall be decided by a plurality of the votes of the members present and entitled to vote or in such other manner as may be provided by the by-laws.

Term of office

(3) The members of the Committee shall remain in office for the period fixed by the by-laws of the Society and shall continue in office until their successors are elected.

Vacancy

(4) In case of a vacancy in the Committee through the resignation or death of a member or otherwise, the remaining members may fill the vacancy in such manner as the by-laws may provide.

By-laws

7.—(1) The Committee may make by-laws, rules and regulations, not contrary to law or to the provisions of this Act, for all purposes relating to the affairs, business and property of the Society, its management, government, aims, objects and interests, including,

- (a) the registration of members and the issue of registration certificates;
- (b) the appointment, functions, duties and removal of officers, employees and servants of the Society and their remuneration;
- (c) the time at which and the place where the annual meeting of the Society shall be held;
- (d) the amount of and the method of collecting the registration fee for admission to membership in the Society and the annual fees to be paid by members;

(e)

- (e) the regulation of the conduct of the members of the Society, including the suspension or expulsion of any member for misconduct or violation of the by-laws of the Society;
- (f) the examination of applicants for registration;
- (g) the constitution of committees and of a board of examiners and prescribing the duties thereof;
- (h) the qualifications for membership in each of the six classes of membership and the forms, fees and procedure for election to membership in each of the six classes;
- (i) the election of members to the Committee;
- (j) the establishment of chapters of the Society within Ontario;
- (k) the affiliation with any other body having objects similar to those of the Society;
- (l) the procedure to be adopted at meetings; and
- (m) the conduct in all other particulars of the affairs of the Society.

(2) Such by-laws, rules and regulations, unless confirmed ^{Ratification} by a general meeting of the Society duly called for the purpose, shall have force until the next annual meeting following their approval and in default of confirmation thereat shall be null and void.

8. The officers of the Society shall be such as are determined ^{Officers} by the by-laws of the Society and they shall be elected or appointed as set out in the by-laws.

9.—(1) A general meeting of the Society shall be held ^{Annual meeting} annually for the purpose of conducting such business as may be brought before the meeting.

(2) A general meeting shall be held at such time and place ^{Idem} upon such notice and otherwise as is provided under the by-laws of the Society.

10. Any surplus derived from carrying on the affairs and ^{Surplus} business of the Society shall be devoted solely to promoting and carrying out its objects and purposes and shall not be divided among its members.

11.

Continuation of office and of by-laws, rules and regulations

11. The Committee of Management of the Society of Interior Decorators of Ontario as constituted on the day this Act comes into force and all officers of the Society of Interior Decorators of Ontario shall continue in office until the first general meeting of the Society and all by-laws, rules and regulations of the Society of Interior Decorators of Ontario shall, except in so far as the same are inconsistent with this Act, continue in full force and effect until repealed, amended, modified or replaced by by-laws, rules or regulations made under this Act.

Application of Act

12.—(1) Nothing in this Act or the by-laws, rules and regulations made under this Act shall be deemed to amend the provisions of *The Professional Engineers Act* or *The Architects Act* or shall be deemed to relieve any person from compliance with such Acts.

Idem

(2) Nothing in this Act shall prevent the practice of any profession or calling by any person practising the same under any general or special Act.

Commencement

13. This Act comes into force on the day it receives Royal Assent.

Short title

14. This Act may be cited as *The Society of Interior Designers of Ontario Act, 1956*.

CHAPTER 121

An Act respecting the Township of Stamford

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

WHEREAS The Corporation of the Township of Stamford by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The agreements made between W. A. Cook, of the City of Niagara Falls, and The Corporation of the Township of Stamford, dated the 19th day of January, 1956, and the 5th day of March, 1956, set forth as the Schedule hereto, are hereby validated and confirmed and declared to be legal, valid and binding upon the parties thereto, and The Corporation of the Township of Stamford is hereby empowered to pass all necessary by-laws and do all other acts, matters and things as may be deemed necessary by the parties for the full and proper carrying out of the agreements.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Township of Stamford Act, 1956.*

SCHEDULE

THIS AGREEMENT made, in duplicate, this 19th day of January, A.D. 1956.

BETWEEN:

W. A. COOK, of the City of Niagara Falls,
County of Welland, hereinafter called "the
Party",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWNSHIP OF
STAMFORD, hereinafter called "the Party",

OF THE SECOND PART.

WHEREAS the Corporation is the owner of the lands hereinafter mentioned, which were conveyed to it for park purposes and which have to the date hereof not been improved for use as park purposes.

AND WHEREAS the Party of the First Part has proposed to the Corporation the leasing by the Corporation to him for a period of twenty-five (25) years at an annual ground rental of \$1.00 the said lands, the said lease to be authorized by a private bill of the Legislature, and the Party of the First Part has proposed building thereon a swimming pool and buildings for this use, with intent that the same shall revert to the Corporation at the end of the twenty-five year lease period.

NOW THEREFORE the Parties hereto agree as follows:

1. The Corporation shall by lease to be authorized by a private bill of the Ontario Legislature let the lands described as follows:

"All and Singular that certain parcel or tract of land and premises situate, lying and being all that part of Lot 10 and Lot 11 lying north of Culp Street according to Registered Plan 49 for the Township of Stamford."

unto the Party of the First Part for a term of twenty-five (25) years, and the Party of the Second Part agrees that terms of the said lease shall be as follows:

(a) The Party of the First Part shall at his sole expense erect a swimming pool, bathhouse, refreshment stand, park or picnic area, car parking area, and other playground areas, to be used or useable with such a project, and that the said pool shall be operated for public use at initial rates of 15c for children until 12 o'clock noon, 25c for children from 12 o'clock noon, and 50c for adults at any time, and that the said rates shall be subject to review upon application of either Party to the said lease, and the said prices may be altered only if there shall be mutual agreement with respect to such rates.

(b) That the pool shall be available five (5) mornings per week during the season of the year that the same shall be open, Monday to Friday, for swimming instructions of organized classes of non-swimmers, which classes shall be admitted free of charge if under the supervision of a recognized club or association.

(c) The Party of the First Part agrees to provide supervision, with the exception of periods of organized classes of swimming instructions by a competent life guard.

(d)

- (d) The Party of the First Part agrees to prefer in its employment Stamford residents.
- (e) The Party of the First Part agrees to construct the swimming pool of reinforced concrete of a minimum size of 150 feet by 50 feet, and that all buildings erected for use therewith shall be of fireproof or fire resistant material.
- (f) The Party of the First Part agrees that the swimming pool shall be at all times open to inspection and shall be carried on with the approval of the Welland and District Public Health Unit.

2. The Corporation agrees not to erect or subsidize any other swimming pool within a radius of two miles.

3. The Corporation agrees to provide water and hydro services to the building and property couplings and agrees to supply water free of charge to the Party of the First Part.

4. The Party of the First Part shall have the right to sublet only upon the consent of the Corporation and only after the said lease has been offered to the Township of Stamford at the same consideration receivable from any other party.

5. The Corporation consents to the use of its street for the erection of a sign, to be approved by the Township Engineer, at nearby corners where the same may be required for directional use.

6. The Party of the First Part may, in writing served upon the Clerk of the Corporation, at any time before the First of February, 1957, elect to declare this Agreement for a lease null and void and, in that event, the same shall be null and void, and of no effect whatsoever.

IN WITNESS WHEREOF the Party of the First Part has affixed his hand and seal and the Party of the Second Part hath affixed its Corporate seal and the hands of its proper officers on its behalf.

In the Presence of

W. C. LAMARSH

(As to the signature of
W. A. Cook)

W. A. COOK.

THE CORPORATION OF THE TOWNSHIP
OF STAMFORD

A. G. BRIDGE,
Reeve.

A. C. HUGGINS,
Clerk.

THIS AGREEMENT made, in duplicate, this 5th day of March, 1956.

BETWEEN:

W. A. COOK, of the City of Niagara Falls,
in the County of Welland, hereinafter called
"the Party",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWNSHIP OF
STAMFORD, hereinafter called "the Party",

OF THE SECOND PART.

WHEREAS the Parties hereto have entered into an Agreement dated the 19th January, 1956, which Agreement is the subject matter of a Private Bill of the Legislature of Ontario.

AND WHEREAS in order to quiet doubts respecting the same it is deemed advisable to supplement the said Agreement of 19th January, 1956, by the following terms which are to be incorporated into the said Agreement of 19th January, 1956 between the Parties hereto as an integral part thereof.

NOW THEREFORE the Parties hereto agree that the hereinafter mentioned terms shall be incorporated into and shall form part of the Agreement of 19th January, 1956 between the Parties hereto in respect of the following matters:

1. At the termination of the Lease mentioned in the said Agreement of 19th January, 1956, whether by effluxion of time, by forfeiture or by surrender or otherwise, all of the proposed buildings and swimming pool and all fixtures used therewith for the enjoyment thereof shall revert to and form part of property of the said Corporation of the Second Part hereto without additional compensation therefor to the Party of the First Part.

2. During the term of the Lease provided for in the said Agreement of 19th January, 1956, the Party of the First Part shall pay to the Party of the Second Part business taxes upon the lands therein mentioned.

3. In the event of default occurring on the part of the Party of the First Part, notice pointing out such default and giving an opportunity to correct the said default may be given to the Party of the First Part by the Party of the Second Part, and if such default continue uncorrected for a period of fifteen (15) days after such notice, the Party of the Second Part may be at liberty to declare the term granted and all privileges and benefits thereunder forfeited to the Party of the Second Part.

IN WITNESS WHEREOF the Party of the First Part hath affixed his hand and seal and the Party of the Second Part hath affixed its Corporate seal and the hands of its proper officers on its behalf.

W. C. LAMARSH

(As to the signature of
W. A. Cook)

W. A. COOK.

THE CORPORATION OF THE TOWNSHIP
OF STAMFORD

(Seal)

A. G. BRIDGE,
Reeve.
A. C. HUGGINS,
Clerk.

CHAPTER 122

An Act respecting the City of Stratford

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

WHEREAS The Corporation of the City of Stratford by Preamble its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation of the City of Stratford may make a Grant to Shakespearean Foundation authorized grant of not more than \$30,000 to The Stratford Shakespearean Festival Foundation for the purpose of erecting a permanent building for the use of the Foundation and for providing accommodation for other cultural pursuits and recreation.
2. This Act comes into force on the day it receives Royal Commencement Assent.
3. This Act may be cited as *The City of Stratford Act, 1956*. Short title

CHAPTER 123

**An Act respecting the
Presbyterian Church in Canada,
Synod of Toronto and Kingston**

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

WHHEREAS the Synod of Toronto and Kingston by its ^{Preamble} petition has prayed that provision be made for exemption from municipal taxation of certain lands in the Township of Mara in the County of Ontario; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of The Corporation of the Township of ^{Tax} _{exemption} Mara may pass by-laws exempting from municipal taxation, except local improvement rates, the lands and appurtenances thereto of the Trustee Board of the Presbyterian Church in Canada and duly administered by the Synod of Toronto and Kingston, described as follows:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Mara in the County of Ontario and Province of Ontario, being composed of part of Broken Lot number sixteen in Concession "C" in the said Township, containing by admeasurement ten (10) acres more or less, being that area shown colored red on the plan attached to deed dated June 16th 1930 from Donald McKay, of the said Township of Mara, Farmer, to Sarah Charlotte Playfair, of the Town of Midland in the County of Simcoe, Married Woman, registered as No. 10387, and being more particularly known and described as follows: COMMENCING at a point in said lot distant south thirty-four degrees and fifty-seven minutes west astronomically sixteen hundred and ninety-six feet from the north-east angle thereof; thence north eighty-five degrees and six minutes west six hundred feet; thence north sixty-nine degrees and forty-four minutes west three hundred and forty-one and one-half feet more or less to intersection with the shore of Lake Simcoe; thence southerly and easterly along said lake shore and following the various courses and windings therein to intersection with a line drawn south three degrees and fifty-four minutes west from the place of beginning; thence north three degrees and fifty-four minutes east along said line five hundred feet more or less to the said place of beginning. The said bearings being computed from the Astronomical bearing of the easterly limit of said lot shown on said plan as north seventeen degrees and forty-two minutes west.

TOGETHER WITH the right of way for ingress and egress to and from the said lands over a strip of land thirty feet in width lying

to the east of and adjoining the easterly limit of that parcel and part of said lot heretofore conveyed to one Donald Gilchrist and being more particularly known and described as follows:

COMMENCING at a point in the southerly limit of the allowance for road between Concessions B. and C. distant westerly sixteen hundred and forty-five feet from the north-east angle of said lot sixteen; thence south no degrees and thirty-four minutes east astronomically eight hundred and seventeen feet more or less to the northerly limit of the parcel herein described, the said bearing being computed from the said astronomical bearing of the said easterly limit of said lot shown on said plan as north seventeen degrees and forty-two minutes west;

provided that the lands and appurtenances are owned by the Trustee Board of the Presbyterian Church in Canada and are occupied by, used solely and carried on for the purposes of the Synod of Toronto and Kingston.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Synod of Toronto and Kingston Glen Mhor Camp Act, 1956*.

CHAPTER 124

An Act respecting the Town of Timmins

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

WHEREAS The Corporation of the Town of Timmins, Preamble hereinafter called the Corporation, by its petition has represented that the bus service for the Town of Timmins is presently being operated by John Dalton, Jr. under an agreement with the Corporation entered into on the 27th day of August, 1955; and that it is a term of the said agreement that either party thereto may cancel the same on three months notice to the other party; and that in view of the experiences of the Corporation in the past it is essential that it be able to operate a municipally-owned bus service if that becomes necessary; and whereas the Corporation has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation may establish, by purchase or otherwise, a municipally-owned bus transportation system in the Establishment of bus system Town of Timmins and may own real and personal property for use in connection therewith.
2. Subject to the approval of the Ontario Municipal Board, Debentures the Corporation may issue debentures, without the assent of the electors, for the purposes mentioned in section 1.
3. This Act comes into force on the day it receives Royal Commencement Assent.
4. This Act may be cited as *The Town of Timmins Act, 1956.* Short title

CHAPTER 125

An Act respecting the City of Toronto

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

WHEREAS The Corporation of the City of Toronto by Preamble its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of the Corporation may in any year increase the annual grant that it gives to the Toronto Convention and Tourist Association, Inc., from \$17,500 to a total amount not exceeding \$25,000, for the maintenance of the Association, and may agree to make annual grants of amounts not exceeding \$25,000 per year for periods not exceeding five years, for the maintenance of the Association.

2. By-law No. 19538, passed by the council of the Corporation, entitled "A By-law respecting Dry-cleaning, Dry-dyeing and associated businesses", set forth as the Schedule hereto, is hereby validated and confirmed, and the said by-law may be amended from time to time to such extent as may be approved by the Ontario Municipal Board.

3. The Corporation is authorized to pay to Toronto Transit Commission the sum of \$47,922 for each of the years 1954 and 1955 for providing free transportation during such years for blind persons and war amputees.

4.—(1) Subsections 4, 5, 6 and 7 of section 6 of *The City of Toronto Act, 1936*, c. 84 s. 6, subss. 4-7, re-enacted therefor:

(4) The corporation shall have a lien upon the dwelling in respect of which an advance as provided in subsection 3 is made for the amount of such advance

Lien for loans made together

together with interest thereon at a rate to be fixed from time to time by the council, but which shall not exceed 5 per centum per annum, and the amount of such advance with the interest thereon shall be repayable to the corporation by the owner of such dwelling in equal consecutive annual payments which shall be collected over a period of years to be determined by the inspector, which period shall not exceed ten years but need not be the same in the case of each such advance, in the same manner and at the same time as the municipal real property taxes in respect of the said dwelling.

Certificate
of lien for
registration

- (5) A certificate of the clerk of the municipality setting out the amount advanced or to be advanced to or for the benefit of any owner under the provisions of subsection 3 or setting out the amount expended or to be expended by or on behalf of the corporation under the authority of subsection 6, including the rate of interest thereon, together with a description of the dwelling in respect of which any such amount was advanced or expended, or is to be advanced or expended, sufficient to identify the said dwelling shall be registered in the proper registry office or land titles office against the said dwelling upon proof by affidavit of the signature of the clerk, and upon repayment in full to the corporation of any such amount advanced or expended and the interest thereon, a certificate of the said clerk showing such repayment shall be similarly registered and the dwelling shall thereupon be freed from liability in respect of the amount advanced or expended and the interest thereon and from the lien arising therefrom.

Power of
corporation
to make
repairs

- (6) If any owner of a dwelling is unwilling to make same conform to the standard required by a by-law passed under the authority of this section, the corporation in addition to all other remedies shall have the right to make the said dwelling conform to such standard, including the right to demolish or cause to be demolished any building, structure or erection forming part of such dwelling and to do any work on adjoining property necessitated by such demolition, and for those purposes with its servants and agents from time to time to enter upon the lands of the said owner, and the corporation shall not be liable to compensate such owner or any other person by reason of anything done by or on behalf of the corporation under the provisions of this subsection;

and for any amount expended by or on behalf of the corporation under the authority of this subsection, the corporation shall have a lien for the amount expended together with interest thereon at a rate to be fixed in the manner provided in subsection 4 upon the dwelling in respect of which such amount was expended and the certificate of the clerk of the municipality as to such amount shall be final, and such amount shall be added to the collector's roll of taxes for the current year and shall be collected in the same manner as real property taxes.

- (7) Notwithstanding any other Act, a by-law passed ^{Enforcement} under the authority of this section or any by-law to provide for the safety of buildings shall be enforceable in the same manner as a by-law passed under the authority of *The Municipal Act*, and any such <sup>R.S.O. 1950,
c. 243</sup> by-laws may impose penalties of not more than \$300, exclusive of costs, upon every person who contravenes any provision of this section or of any by-law passed under the authority of this section, or of any by-law to provide for the safety of buildings.

- (2) Subsection 9 of the said section 6 is repealed and the <sup>1936, c. 84,
s. 6, subs. 9,
re-enacted</sup> following substituted therefor:

- (9) Before proceeding under subsection 3 or 6, the <sup>Notice to
mortgagees
and others</sup> corporation shall notify any mortgagee, vendor under agreement for sale or other encumbrancer appearing on the registered title, by registered letter, specifying wherein the said dwelling unit, building or premises are defective, and if the defects are not remedied within one month from such notification, then the provisions of subsections 3 and 6 shall apply.

- (3) The said section 6, as amended by section 3 of *The City of Toronto Act, 1941* and section 4 of *The City of Toronto Act, 1955*, is further amended by adding thereto the following subsection:

- (12) A by-law passed under the authority of this section <sup>Progress
certificates
authorized</sup> may authorize an official named in the by-law to issue a certificate as to what proceedings, if any, are being taken as of the date of the certificate and the amount of money advanced pursuant to the provisions of this section or the provisions of any by-law to provide for the safety of buildings, and may authorize the collection of a fee for the issue of any such certificate.

Conveyance confirmed

5. The conveyance by The Corporation of the City of Toronto to Lord Simcoe Hotel Limited, dated the 14th day of October, 1955, of Lot No. 6 on the north side of King Street West according to a plan filed in the Registry Office for the Registry Division of Toronto as No. 736-E, and registered on the 14th day of November, 1955, as No. 41721 E.S. in the said Registry Office, is ratified, confirmed and declared to be legal, valid and binding.

Pensions for employees of
Toronto Public Library Board
R.S.O. 1950,
c. 310

1954, c. 133

6. In addition to the authority contained in *The Public Libraries Act*, the Toronto Public Library Board, subject to the approval of the Minister of Education, is authorized in establishing a pension plan for its permanent employees, or any class thereof, to include provisions similar to any of the provisions in the by-law providing a pension plan for Toronto Civic Employees, which by-law is set forth as Schedule A to *The City of Toronto Act, 1954*.

1949, c. 142,
s. 9, subs. 1,
amended

7.—(1) Subsection 1 of section 9 of *The City of Toronto Act, 1949* is amended by striking out “or with the approval of the Minister of Municipal Affairs” in the second and third lines, so that the subsection shall read as follows:

Provision for increasing partial exemption from taxation of dwelling houses

(1) The council of the Corporation may, with the assent of the electors qualified to vote on money by-laws, pass a by-law increasing the partial exemption from taxation of dwelling houses in the City of Toronto, by providing that taxes and rates, except for school purposes, on dwelling houses assessed for not more than \$5,600 shall be levied and imposed on such percentage of the assessed value according to the classification of dwelling houses as the by-law may provide.

1949, c. 142,
s. 9, subs. 2,
cl. d,
amended

(2) Clause d of subsection 2 of the said section 9 is amended by striking out “or with the approval of the Minister of Municipal Affairs” in the third and fourth lines, so that the clause shall read as follows:

Authority to repeal or amend by-law passed under this section

(d) may be repealed or amended from time to time with the assent of the electors qualified to vote on money by-laws.

1955, c. 117,
s. 3,
re-enacted

8. Section 3 of *The City of Toronto Act, 1955* is repealed and the following substituted therefor:

O'Keefe Foundation or O'Keefe Centre

3.—(1) The Corporation may from time to time acquire land for the purposes of The O'Keefe Foundation or O'Keefe Centre.

- (2) Upon payment to the Corporation of any expenses ^{Idem} incurred by it in connection with the acquisition of any land under this section or any predecessor of this section and the transfer thereof, the Corporation may convey any land so acquired to O'Keefe Centre.
- (3) All land conveyed to O'Keefe Centre under this ^{Purposes} section shall be used only for the purposes of an auditorium, a cultural, civic or community centre or any purposes within the corporate powers and objects of O'Keefe Centre or for any other purposes as may be approved by the Corporation.

9.—(1) This Act, except section 6, comes into force on the ^{Commencement} day it receives Royal Assent.

(2) Section 6 shall be deemed to have come into force on ^{Idem} the 28th day of June, 1954.

10. This Act may be cited as *The City of Toronto Act, 1956.* ^{Short title}

SCHEDULE

BY-LAW No. 19538

A By-law respecting Dry-Cleaning, Dry-Dyeing and associated businesses.

(Passed November 7, 1955.)

The Council of the Corporation of the City of Toronto enacts as follows:

PART I

BY-LAWS REPEALED

1. By-law No. 14108 passed by the Council of the Corporation of the City of Toronto on the 14th day of May, 1934, and all amendments thereto are hereby repealed.

PART II

SECTION 2—DEFINITIONS

2. In this by-law, unless a contrary intention appears,

- (a) "branches" are premises occupied by wholly owned subsidiary branches of dry cleaning plants, as defined herein, which are operated solely for the purpose of receiving from customers, and delivering to customers, either over the counter, or by vehicles, all goods to be processed, or processed and/or placed in storage by the dry cleaning plant owning and operating such branches;
- (b) "cleaning" is a process of dry cleaning, or a process of wet cleaning, as defined herein;
- (c) "customers" means persons requesting that a service be performed for them by a licensee and/or a party required to file proof of financial responsibility under the provisions of this By-law;
- (d) "dry cleaning" is a process of cleaning goods by immersion and agitation, or by immersion only, in volatile solvents, (including but not by way of limitation, solvents of the petroleum distillate type, the coal tar distillate type, and the chlorinated hydrocarbon type), and any or all of the standard processes incidental thereto and including wet cleaning, pressing, spotting, finishing, dyeing, repairing and storage;
- (e) "dry cleaning plant" means any premises, building, room or establishment commonly known to the trade as a cleaning plant, equipped to perform the service of dry cleaning, and wet cleaning, pressing, spotting, finishing, dyeing, repairing, and/or storage, all as defined herein, and which receives from customers and delivers to customers all goods to be processed, or processed, and/or placed in storage by the dry cleaning plant, either over the counter, or by vehicles, through branches, press shops, and/or receiving and distributing depots;
- (f) "dry dyeing" is a process of colouring goods by the use of aniline dyes, mordants, or acid, with or without steam;
- (g) "financial responsibility" means the ability of a licensee under this By-law to pay and satisfy any and all judgments obtained by any customer against the licensee in respect to goods received by the said licensee from such customer;
- (h) "fire-resisting construction" shall mean fire-resisting construction as defined by the Building By-law of the City of Toronto as amended;

- (i) "goods" wherever used, shall mean goods in bailee and include any and all articles of clothing, fabrics, furs, hats, textiles, household goods and/or furnishings, delivered to, or in the possession of a licensee under this By-law, for the purpose of dry cleaning and/or wet cleaning, pressing, spotting, finishing, dyeing, repairing and/or storage;
- (j) "pressing and/or finishing" is a process of restoring goods to the original shape, dimensions, or contour thereof, or to those in which the same were received from the customer, or as directed by the customer, and the removal of wrinkles, stresses, bulges, and impressions, imprint marks and shine, from goods by the application of pressure, heat, moisture, water vapour or steam, or all of them, whether applied manually or by any mechanical means;
- (k) "press shops" are premises used for the purposes of receiving from customers, and delivering to customers, either over the counter or by vehicles, all goods to be processed, or processed and/or placed in storage. Press shops may within the premises occupied, do pressing, spotting, repairing and/or finishing goods all as defined herein, but shall not operate the process of cleaning as defined herein, which processes shall be done on behalf of the press shop by a dry cleaning plant as defined herein;
- (l) "receiving and distributing depots" are premises used solely for the purpose of receiving from customers, and delivering to customers, either over the counter or by vehicles, all goods to be processed, or processed, and/or placed in storage;
- (m) "repairing" means and includes the making of minor repairs and restorations, reaffixing, replacing or restoring buttons and other fastening devices, and decorative materials to the goods either before or after completion of one or more of the processes herein defined as required by the customer;
- (n) "spotting and stain removing" is a process of removing spots, or stains, or localized areas of soil, from goods either before or after and with or without dry cleaning or wet cleaning, by brushing, spraying, or other means of manual or mechanical application other than immersion, with water detergents and volatile or inflammable solvents, or chemicals, or any, or all, of them;
- (o) "storage" as applicable to those licensed under this By-law shall be defined as a service for the storage of goods in a complete and properly locked up storage vault or room, and the word "cold" may be prefixed where cold storage facilities are provided. Such storage vault or room shall be of fire-resisting construction throughout, equipped with approved fire-proof burglar-proof locking devices and so equipped to prevent damage to contents from moths and vermin;
- (p) "wet cleaning" is the process of cleaning goods by immersion in water, or by applying manually or by any mechanical device, water, or any detergent and water, or by spraying or brushing the goods with water, or water and any detergent, or water vapour, or steam;
- (q) "vehicles" are vehicles of any kind which are used by a dry-cleaning plant, press shop and/or a receiving and distributing depot for the purpose of receiving from customers, and delivering to customers, all goods to be processed, or processed and/or placed in storage;
- (r) "independent vehicles" are vehicles of any kind which are used for the purpose of receiving from customers, and delivering to customers, all goods to be processed, or processed and/or placed in storage when such vehicles are not owned or operated by and/or bear the same name as a business defined herein as a dry cleaning plant, press shop, and/or a receiving and distributing depot.

SECTION 3—EXCEPTION

3. The provisions of this By-law shall not apply to laundries as defined by By-law No. 4942 passed by the council of the Corporation of the City of Toronto on the 13th day of May, 1907, and amendments thereto.

PART III

SECTION 4—BUSINESS LICENSED

4. The Commissioner of Buildings shall be the Inspector of Dry Cleaning, whose duty it shall be to see that the provisions of this By-law are carried out.

5. No person shall use any land in the City of Toronto for the purposes of the business of dry-cleaning, dry-dyeing, cleaning and pressing and spotting or stain-removing, including land used for the purpose of receiving goods to be subjected to any such process and for the distribution of goods which have been subjected to any such process, without having first obtained from the Corporation of the City of Toronto a license so to do.

6. No person shall engage in the business of or operate a dry-cleaning plant, branch, press shop, and/or a receiving and distributing depot as hereinbefore defined without having first obtained a license so to do from the Inspector of Dry-Cleaning. The owner or occupant of any building or premises or part thereof, shall not use or permit to be altered or used, any such building or premises or any part thereof, for or in connection with any one or more of the types of business defined herein unless and until the requisite license or licenses has or have been obtained.

7. Application for a license under this By-law shall be made in the form of a Declaration to the Inspector of Dry Cleaning in duplicate upon official forms obtainable for the purpose at the office of the said Inspector but no such application shall be required where a licensee desires renewal of a license if the facts and conditions relating thereto are the same as when the original license was issued. Such forms shall be completed by the applicant or a legally authorized agent for the applicant, and the following information inter alia will be required by the said Inspector:

- (a) the type or types of business the applicant intends to conduct and the location of same;
- (b) the construction of the premises where such business will be carried on;
- (c) the details of installation and operation of any or all machinery or plant and any other matters having a bearing upon the safety of any building, premises, property, goods or equipment or of a person or persons in or about the premises;
- (d) the legal status of the applicant.

A partnership, or a firm of two or more persons, or a corporation desiring to carry on a business requiring a license hereunder shall obtain a license on its behalf in the name of some person, named in the application for such license who will be engaged in the business to be carried on by the partnership, firm or corporation, as a partner or an officer, as the case may be.

8. Every applicant for a license under this By-law shall file with the Inspector of Dry-Cleaning proof of the applicant's financial responsibility in the following amounts in respect of each of the following types of business:

- | | |
|---|------------|
| (a) dry-cleaning plant including branches and vehicles operated thereby..... | \$5,000.00 |
| (b) press shop and/or receiving and distributing depot.. | 1,000.00 |
| (c) independent vehicle..... | 5,000.00 |

(d)

- (d) vehicles owned and operated by or on behalf of a dry-cleaning plant, press shop and/or a receiving and distributing depot doing business in the City of Toronto, but not using any land in the City of Toronto \$1,000.00

Proof of financial responsibility may be a bond issued by a surety company licensed under the laws of the Province of Ontario or in any form satisfactory to the Inspector of Dry-Cleaning. Should such proof of financial responsibility filed by a licensee hereunder become void for any cause whatsoever, the license or licenses as the case may be of such licensees may forthwith be deemed cancelled.

9. Where it is proposed to extend a licensed business by the installation of additional machines, plant, dry-cleaning or dry-dyeing equipment or otherwise to any other portion of the building or premises, or to an adjoining building or premises, such extensions shall be approved by the Inspector of Dry-Cleaning before being proceeded with.

Where it is proposed to extend a licensed business to a location other than upon the same or adjoining premises, such extension shall for the purpose of this By-law be considered as the establishing of a new business and a separate and distinct license covering the new premises shall be obtained.

10. In the case of business existing at the time of the passing of this By-law, the Inspector of Dry-Cleaning may allow such variations from structural requirements hereinafter set out as he may approve of, where such variations will not in his opinion unreasonably affect the safety of the public.

11. When the Inspector of Dry-Cleaning is satisfied that all work has been completed in connection with the premises and equipment, and all other requirements of this By-law have been complied with, and further, is satisfied in the interests of safety and health of persons in or about the premises, and of the safety of property, that all reasonable precautions against fire, explosions, injury to health or accident have been taken, and upon payment of the proper fee he shall grant the necessary license.

Every license issued under this By-law shall be made out in duplicate and be signed by the Inspector of Dry-Cleaning who is hereby authorized to issue such license and sign same on behalf of The Corporation of the City of Toronto. One copy shall be delivered to the person licensed, who shall exhibit the same in a conspicuous position upon the licensed premises where it may be viewed by any customer, and the other shall be retained by the Inspector of Dry-Cleaning. An independent vehicle shall be supplied with and required to display a numbered identification plate or tag as evidence of compliance with the provisions of Part III Section 8 herein.

12. The annual fee to be paid for a license to use land for the purpose of operating a dry-cleaning plant, branch, press shop, receiving and distributing depot in the City of Toronto, as defined herein shall be as follows:

| | |
|---|----------|
| For dry-cleaning plants using flammable solvents..... | \$100.00 |
| Plus \$10.00 for each branch | |
| For dry-cleaning plants using non-flammable solvents.... | 50.00 |
| Plus \$10.00 for each branch | |
| (A duplicate license will be issued for each branch) | |
| For press shops or any processes other than dry-cleaning. | 25.00 |
| For receiving and distributing depots..... | 10.00 |

13. All licenses issued under this By-law unless they are expressly granted for a shorter period, shall be operative for the calendar year current at the time of issuing thereof, and shall expire on the 31st day of December next succeeding the date of the issuing of the same. For a license issued between the 1st day of January and the 30th day of June, inclusive, in any year, the amount to be paid shall be equal to the fee for the full year, and for any license issued subsequently to the 30th day of June in any year, the amount to be paid shall be equal to one-half of the fee for the full year.

Any license issued under the provisions of this By-law shall be non-transferable and is to be considered a personal license.

14. Every building, structure, plant and method of operation used in connection with any business or establishment licensed under this By-law shall be subject to inspection from time to time by the Inspector of Dry-Cleaning or any of his assistants. The licensee shall afford every facility for such inspection and shall not at any reasonable time refuse admission to such officer or any of his assistants.

15. No volatile or flammable liquid in excess of one quart of each such fluid shall be used in any part of building, other than that portion licensed for dry-cleaning purposes.

16. In case of accident from fire or explosion resulting from the operation of any such business or establishment, the licensee shall immediately report such accident to the Inspector of Dry-Cleaning, who shall, after investigating the cause or causes of such accident, immediately record a full and detailed report of same.

17. No person licensed under the provisions of this By-law shall keep his place of business open to the public or allow any customer to be served therein on any day after the hour of six o'clock in the afternoon.

18. (a) The Council of the Corporation of the City of Toronto may revoke any license issued under the provisions of this By-law.

(b) Notice of the revocation of any license may be given by the Council by prepaid registered mail to the address given by the licensee in the application for a license and upon such notice being mailed as aforesaid the license revoked shall cease and terminate and be of no further effect.

(c) Where a license is revoked the licensee shall be entitled to a refund of a part of the license fee proportionate to the unexpired part of the term for which it was granted.

19. No licensee shall conduct the business licensed or advertise or solicit business under a name other than the name which appears on the license for such business. All premises, vehicles and printed matter used for or in connection with a business licensed hereunder shall bear the name which appears on the license for such business.

An independent vehicle shall have the following words displayed on both sides of such vehicle in a clear and legible manner, "Agent for Dry Cleaning", and all printed matter issued or distributed to customers of such independent vehicles shall include the same wording required to be displayed on the vehicle proper.

20. Every applicant for a license under this By-law shall satisfy the Inspector of Dry-Cleaning that the applicant has insured and will continuously keep insured all goods as defined herein from the time such goods are received for or on behalf of the applicant from a customer until such time as the said goods are returned to the customer by or on behalf of the applicant; such insurance shall be underwritten by an insurer licensed under the laws of the Province of Ontario to do business in Ontario, and shall insure all goods as aforesaid against loss and/or damage by fire, smoke, theft, flood and other risks, common to such insurance.

The Inspector of Dry-Cleaning shall have the right to require the applicant to produce a certificate from the insurer showing the maximum amounts for which insurance has been obtained covering such goods and the premium receipt therefor. Should such insurance be cancelled or allowed to lapse, or otherwise become void, the license of such licensee shall be revoked.

In lieu of insurance as aforesaid, the applicant may deposit and keep on deposit with the Inspector of Dry-Cleaning evidence satisfactory to the said Inspector of the financial responsibility of the applicant to satisfy all claims and demands in respect of goods in the custody of the applicant for loss and/or damage by fire, smoke, theft, flood and other risks common to such insurance.

21. A licensee upon receiving any goods from a customer must hand the customer a receipt for such goods showing:

- (a) the name and address of the licensee;
- (b) the license number of the licensee;
- (c) such information as may be applicable in conformity with Part III Section 19 hereof;
- (d) and when requested by the customer, the name and address of the customer and a description of such goods.

PART IV

REQUIREMENTS FOR BUILDINGS WHEREIN FLAMMABLE SOLVENTS ARE USED

22. In addition to complying with the requirements of the Building By-law or any other By-law of the City of Toronto, every building or part thereof actually used for dry-cleaning, dry-dyeing, drying, clarifying or refining purposes shall comply with the following regulations:

23. No portion of any such building shall be used for human habitation and no accommodation therefor shall be provided in any such building.

* 24. Each such building shall be located a distance of at least one hundred feet from any church, school or other public building, at least ten feet from any other building, and at least ten feet from all street and lot lines, and in such location as to render easy access in case of fire or accident.

25. Each such building shall not exceed one storey in height, which shall be not less than fourteen feet in the clear from floor to ceiling. There shall be no basement or cellar or open spaces underneath the floor, nor shall the floor area exceed twenty-five hundred square feet.

26. All enclosing walls and all internal walls shall be of brick, concrete, tile or other fire-resisting material approved by the Inspector of Dry-Cleaning, the minimum thickness of which shall be thirteen inches, and all mortar used shall be cement mortar.

27. The roof over every room and over every hall or corridor connected therewith, shall be constructed of and supported by fire-resisting construction. In the roof over each room, hall, or corridor there shall be left an opening equal in area to at least ten per cent of the floor area of such room, hall or corridor and this roof opening shall be provided with an approved incombustible automatically opening skylight.

28. Floor shall be constructed of fire-resisting material and laid not lower than the grade adjoining the building and accurately graded to drainage outlets.

29. At least two exits shall be provided from every washing room and one of these exits shall lead directly to the outside air.

30. Every door shall be constructed of fire-resisting material and shall open in an outward direction.

31. Window openings shall be equipped with metal sash and wired glass glazed on the outside. A section of each opening shall be hinged vertically and afford an opening of about three feet by four feet to permit escape from the building. In each such section there shall be provided one sheet of clear glass so located that, when broken, the window may be readily opened from the outside.

32. All shafting necessary for the operation of the machines and apparatus shall enter the dry-cleaning, dry-dyeing, and drying rooms

through the smallest necessary openings in the walls. Such openings shall be at least ten feet above the floor and protected so as to prevent the propagation of flame or explosion through them.

33. Every such building shall be ventilated by means of apertures each not less than sixty square inches in area located in the external walls at the floor level and spaced not over six feet centres. Such apertures shall be covered with a wire screen having at least two meshes to the inch or its equivalent, and same shall be kept clear of all obstructions and the building shall be equipped with fans or other ventilating devices. The ventilating system shall be so arranged as to completely change the air every two minutes while the plant is in operation. Other types of ventilating systems may be provided in lieu of the above if approved in writing by the Inspector of Dry-Cleaning. Fumes from exhaust fans shall be discharged in such places as will not create nuisance or hazard and all exhaust piping and outlets to same shall be constructed to the satisfaction of the Inspector of Dry-Cleaning.

34. All artificial lighting shall be by incandescent electric lights. All electrical wiring and other electrical equipment shall conform to the requirements of Part I of the Canadian Electrical Code for Class I Hazardous Locations. Every installation of such wiring and equipment shall be to the full approval of the Electrical Inspection Department of the Hydro-Electric Power Commission and before operating any equipment in the building the licensee shall submit to the Commissioner of Buildings a certificate from such Department stating that such installation has passed an insulation test and complies with the requirements of the Canadian Electrical Code for Class I Hazardous Locations.

35. Such buildings shall be provided with perforated steam pipes having an internal diameter of not less than two inches, so connected as to equalize the distribution of steam, and so placed that the steam when turned on will quickly fill the entire building. Such steam pipes shall be provided with perforations not less than one-quarter of an inch in diameter equally spaced so that there shall be at least one opening to each twenty-five square feet of floor space. Outside the building there shall be placed in the service line or lines connected with such perforated steam pipes a quick acting lever valve which shall be accessible for operation in case of fire. The steam supply for such pipes shall be available at all times for service while the plant is in operation, and shall be sufficient to completely fill the building in not more than one minute. Other efficient fire extinguishing systems approved in writing by the Chief of the Fire Department may be provided in lieu of those provided for in this paragraph.

PART V

INSTALLATION AND OPERATION EQUIPMENT

36. All water, sludge, waste liquids etcetera, from stills, cleaning rooms, or other rooms where cleaning liquids are used shall pass through an interceptor or trap before entering the drains and such trap or interceptor shall be satisfactory to the Commissioner of Works. The responsibility of maintaining the trap or interceptor in working order rests with the licensee who shall see that no cleaning liquids enter the drain.

A concrete slab with an 8-inch curb all around shall be provided outside the dry-cleaning room in which to store all flammable sludge pending its removal from the plant.

37. Except as hereinafter provided, no gas or gasoline engine, boiler, steam generator, electrical dynamo or motor, heating or pressing device, or other apparatus that may cause flame or sparking, shall be located, maintained or used inside of, or within a distance of fifteen feet of any building used for dry-cleaning or dry-dyeing. It is provided, however, that an electric motor may be placed within such space of fifteen feet provided it is located outside of a masonry or concrete wall, or an explosion-proof electric motor may be located inside any such building provided such motor together with the necessary appurtenances and control apparatus are constructed and maintained in accordance with the requirements of Part I of the Canadian Electrical Code for Class I Hazardous Locations.

Every installation of a motor inside any such building shall be to the full approval of the Electrical Inspection Department of the Hydro-Electric Power Commission of Ontario, and before operating any equipment in the building the licensee shall submit to the Commissioner of Buildings a certificate from such Department stating that such installation has passed an insulation test and complies with the requirements of the Canadian Electrical Code for Class I Hazardous Locations.

The heating of such buildings shall be only by use of steam or hot water systems.

38. All shafting, pulleys, piping and metallic parts of machines shall be properly grounded by at least 10-gauge copper wire connected to a waterpipe or other grounding device. This system of grounding shall be examined and tested by the licensee at least once each week and shall be kept in good repair at all times.

39. All tables, racks, shelves and cupboards used for the hanging and storing of fabrics shall be of incombustible material.

40. One approved chemical fire extinguisher, and three pails of sand shall be provided for each five hundred square feet of floor space.

41. At least two asbestos sheets and one pike pole of approved length and design shall be kept ready for immediate use in a convenient place adjacent to the cleaning room.

42. All flammable liquids or mixtures of flammable and non-flammable liquids shall be stored in steel tanks which shall be located outside of the building and buried underground to such a depth as will secure a covering of earth of at least three feet below the level of the surface of the adjoining ground and shall not in any event be placed, constructed or maintained under a public sidewalk or in a sidewalk area. The location thereof and their contents and hazards shall be plainly marked by a sign approved by the Inspector of Dry-Cleaning.

43. Tanks shall be coated on the outside with a rust preventive.

44. Tanks shall have a total capacity of not more than 9,000 gallons, and single tanks shall have a capacity of not more than 3,000 gallons each.

45. Each tank shall be provided with a vent pipe the internal diameter of which shall not be less than:

| | |
|-----------------------------|------------------|
| Up to 500 gallons..... | $1\frac{1}{4}$ " |
| 501 to 2,500 gallons..... | $1\frac{1}{2}$ " |
| 2,501 to 3,000 gallons..... | 2" |

extending from the top of the tank to a point not less than two feet above the roof of the building in a location approved by the Inspector of Dry-Cleaning.

46. Each tank shall be provided with a filling pipe not less than two and one-half inches in diameter and with inclination towards the tank to insure proper drainage. The intake end of such pipe shall in no case be located inside of any building and shall be enclosed in an iron box or hood set level with or above the surface of the ground and provided with a brass screw cap firmly attached to the filling pipe by a strong metal chain. When the filling pipe is not in use the screw cap shall be securely screwed on the inlet and the box or hood securely locked.

47. All pipes connected to storage tanks shall enter or be attached to same at the top. Service pipes carrying volatile substances from the storage tanks to the dry-cleaning and dry-dyeing machines or apparatus shall extend from the top of the tank and the controlling cocks or valves in the said service pipes shall be kept closed when not in use. All underground piping shall be galvanized or painted with a rust-proof paint and no underground pipe shall be less than $1\frac{1}{4}$ inches in diameter.

48. All tanks and piping shall be tested in the presence of an inspector before back-filling. All tanks shall be equipped with ball floats or gauges or be so arranged as to detect overflowing of the fill pipes to the satisfaction of the Inspector of Dry-Cleaning.

49. Deodorizing tumblers or deodorizing apparatus of any type shall be fitted with explosion doors, automatic steam valves and proper ventilating devices.

50. Where a ventilating system consists of flues, such flues shall be kept clear and all flues in connection with deodorizing apparatus shall be kept clear.

51. All distillation and refining of flammable liquids shall be carried on, and all open plate and frame filters shall be used, in a room separate from the dry-cleaning room and such room shall be not less than eighty square feet in area.

52. Continuous clarifiers that have no open flow shall be allowed in the dry-cleaning room if absolutely essential to the efficient operation of the plant otherwise same shall be located in the distillation room. Gauges and sight glasses shall be so located as to be protected from damage.

53. All dry-cleaning, washing, extracting and redistilling shall be carried on in closed machines which are fluid-tight; washers shall have hinged doors and shall be so arranged that in case of an explosion the doors will automatically close. All such machines shall be equipped with doors to be used for cleaning-out purposes only.

54. Where extractors are used in connection with a charge system, the valve system must be designed to prevent over-flowing of extractor or building up of excessive pressure.

55. Scrubbing and brushing may be performed in the dry-cleaning room but only when flammable liquids are contained in a metallic pan or container. All flammable liquids used shall be returned to the settling or storage tanks as soon as the brushing or cleaning operation is completed.

56. The transfer of all liquids shall be through continuous piping and all outlet or drain pipes shall be drained by gravity or pumps to settling or storage tanks. Pumps only shall be used in feeding the supply pipes and such devices shall be located as to insure the return of all liquids to the storage tanks by gravity when the operation is completed. At the close of the day's operations all liquids contained in washers, extractors, stills or other receptacles shall be returned to the storage or settling tanks.

57. Smoking and the carrying of matches upon the premises shall be prohibited and notices to this effect shall be conspicuously posted.

58. Washing machines shall remain closed and liquid containers covered when containing solvent except for the necessary length of time required for loading and unloading.

59. If a flammable liquid is mixed with a non-flammable liquid for dry-cleaning, dry-dyeing, or spotting or stain-removing purposes such mixture or compound shall be considered flammable and be subject to the requirements of this by-law as flammable liquids.

60. Electric irons shall not be used in any building where dry-cleaning or dry-dyeing is done.

PART VI

NON-FLAMMABLE SOLVENTS

61. Notwithstanding anything heretofore contained in this By-law, dry-cleaning machinery in which volatile and non-flammable liquids only are used may be installed subject to the regulations hereinafter set forth.

62. The application for, and the license for any such business or establishment shall clearly state the nature and composition of the liquids to be used, and no other liquids whatsoever shall be used in such machine or machines. The applicant shall provide the Inspector of Dry-Cleaning with the necessary information regarding the chemical constituents of the liquid used.

63. Machines shall be erected or installed only in locations approved by the Inspector of Dry-Cleaning.

In buildings of which any portion is used for the purpose of human habitation, machines may be installed on the first floor only of such buildings provided there is no accommodation for human habitation on the first floor or in the basement.

There shall be no access between any room where a machine or machines are installed and operated, and any other portion of a building used for human habitation.

64. Where the whole unit is totally enclosed and so arranged that the materials cleaned remain continuously in the machine during the process of washing, extracting and dry tumbling respectively, it need not be enclosed in a special room provided mechanical ventilation is provided in the room containing the unit; such mechanical ventilation system to be so connected that same operates automatically with the operation of the dry-cleaning unit.

65. When an open or semi-open type of machine or machines are installed there shall be provided fresh air inlets and exhaust fans in locations and manner subject to the approval of the Inspector of Dry-Cleaning. Where closed type machines are installed there shall be provided an exhaust fan on each machine and also exhaust fans sufficient to properly ventilate the room, subject to the approval of the Inspector of Dry-Cleaning.

Whether open or closed types of machines are used, sufficient ventilation shall be provided to completely change the air in dry-cleaning, drying and deodorizing rooms at least every two minutes and all doors of dry-cleaning room shall be self-closing.

66. Fumes from exhaust fans shall be discharged in such places as will not create nuisance or hazard and all exhaust piping and outlets to same shall be subject to the approval of the Inspector of Dry-Cleaning.

67. Ventilation systems shall be kept in operation during the whole period machines are in use and also while dry-cleaning articles are being dried or deodorized.

68. Floors of rooms where a machine or machines are located shall be formed of impervious material in order to prevent absorption of solvents and to prevent the passage of fumes. All such floors shall be constructed to the satisfaction of the Inspector of Dry-Cleaning.

69. All walls and partitions enclosing rooms which contain a machine or machines shall be constructed gas-tight.

70. All openings leading into rooms containing a machine or machines shall have tight-fitting doors and proper automatic door closers.

71. Pipes passing through floors shall pass through long sleeves made gas-tight.

72. Liquids shall be stored in such a manner as is approved by the Inspector of Dry-Cleaning and shall be transferred from machine to tanks or vice versa through continuous rigid metal piping. Liquids shall be stored and used in such a manner as to minimize evaporation and all containers shall be air-tight.

PART VII

REQUIREMENTS FOR SPOTTING AND STAIN-REMOVING ESTABLISHMENTS

73. Spotting and stain-removing as defined in Part II Section 2 of this By-law shall be carried on only in accordance with the following regulations:

74. Volatile or flammable liquids shall not be applied or used when contained in open receptacles but only when used or applied from an automatically closing safety container of not more than one quart capacity.

75. All spotting and stain-removing shall be carried on clear of the main exit of the premises subject to the approval of the Inspector of Dry-Cleaning.

Two separate exits shall be provided in each room where stain-removing operations are carried on.

76. Electric irons used in connection therewith shall be provided with incombustible stands and all connections for such irons shall be provided with pilot lights.

77. Stain-removing by the use of flammable liquids shall in no case be done in a room or enclosure where there is an open flame, light or spark.

78. If the liquid or compound used for stain-removing is toxic, proper ventilation shall be provided and the necessary precautions taken as required by Part VI of this By-law.

PART VIII

DANGEROUS CONDITIONS

79. Whenever, in the opinion of the Inspector of Dry-Cleaning, any dry-cleaning, dry-dyeing or spotting and stain-removing plant or premises or any parts thereof, are in a dangerous condition or causing a condition that may become dangerous, the licensee thereof shall be notified wherein such danger exists and he shall immediately proceed to remedy the cause or defect.

80. Where the person licensed fails or neglects after notice to remedy the same and in the opinion of the Inspector of Dry-Cleaning the condition is such as to endanger life or property or cause serious accident and that such danger may be averted by taking precautionary measures, he shall have power to take such measures as in his opinion may be necessary at the expense of the person licensed, and all costs and expenses incurred in connection therewith shall be borne by the person licensed and may be recovered by action at the instance of the Corporation or in like manner as municipal taxes.

PART IX

PENALTIES FOR NON-COMPLIANCE

81. Any person convicted of a breach of any of the provisions of this By-law shall forfeit and pay, at the discretion of the convicting Magistrate, a penalty not exceeding (exclusive of costs) the sum of Three Hundred Dollars for each offence.

Upon conviction for a breach of any of the provisions of this By-law the convicting Magistrate, besides imposing penalty under the preceding paragraph of this section, may order the offender to carry out the requirements of this By-law within a time to be limited by the order. In default of the offender carrying out such order the said Magistrate may order the Inspector of Dry-Cleaning or any other person, to forthwith enter upon the premises where the said breach has taken place and demolish or remove at the expense of the offender the said construction or the part thereof erected contrary to the provisions of this By-law. The municipality may recover the expense incurred in so doing by action or the same may be recovered in like manner as municipal taxes.

The conviction of an offender upon a breach of any of the provisions of this By-law shall not operate as a bar to a prosecution against the

same offender upon any subsequent breach of the same or any other provision of this By-law. The presiding Magistrate may convict any offender repeatedly for repeated breaches of this By-law, and may at his discretion impose upon each conviction any of the penalties provided for by this By-law.

82. This By-law shall come into force upon, from and after being validated by the Legislature of the Province of Ontario.

NATHAN PHILLIPS,
Mayor.

GEO. A. WEALE,
City Clerk.

COUNCIL CHAMBER,
Toronto, November 7, 1955.
(L.S.)

CHAPTER 126

**An Act respecting
United Co-operatives of Ontario**

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

WHEREAS United Co-operatives of Ontario by its Preamble petition has represented that it was incorporated by *The United Co-operatives of Ontario Act, 1948* with an authorized capital of \$3,000,000, divided into 214,950 common shares having a par value of \$10 each and 121,500 non-voting preference shares having a par value of \$7 each; and whereas all the issued preference shares of the Company have been redeemed and the authorized capital has now been reduced to \$2,150,865; and whereas the Company desires to increase its authorized capital to \$6,000,000; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The authorized capital of United Co-operatives of Ontario is decreased from \$2,150,865 to \$2,149,500, such decrease to be effected by the cancellation of the 195 unissued non-voting preference shares having a par value of \$7 each.
2. The authorized capital of United Co-operatives of Ontario is increased from \$2,149,500 to \$6,000,000 by the creation of 385,050 common shares having a par value of \$10 each ranking in all respects *pari passu* with the existing 214,950 common shares.
3. Section 6 of *The United Co-operatives of Ontario Act, 1948* is repealed.
4. This Act comes into force on the day it receives Royal Assent.
5. This Act may be cited as *The United Co-operatives of Ontario Act, 1956*.

CHAPTER 127

An Act respecting the City of Windsor

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

WHEREAS The Corporation of the City of Windsor, Preamble hereinafter called the Corporation, by its petition has prayed for special legislation in respect of the matters herein-after set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Corporation may install or cause to be installed Installation of back-water valves by Corporation in the drain connections of any building, at the request and expense of the owner thereof, a device known as a back-water valve, which is designed to prevent water and sewage from backing up through the drain connection, and, where the Corporation is of the opinion that the owner of the premises is unable to pay the expense of the same at once, may enter into an agreement with such owner providing for the payment by him of the cost in equal, successive, annual payments, extending over a period not exceeding five years, including interest at a rate of not more than 6 per cent per annum on such portion of the cost as remains unpaid from time to time, and such annual payments may be added by the clerk of the Corporation to the collector's roll and collected in like manner as municipal taxes.

(2) Where an agreement is entered into under subsection 1, Registration of certificate of charges for installing back-water valves a certificate from the clerk of the Corporation setting forth the cost of the installations and a description of the lands upon which the same were made shall be registered in the proper registry office against the lands on proper proof by affidavit of the signature of the clerk, and upon payment in full of the cost of the installations a like certificate from the clerk indicating full payment of such cost shall be registered in such registry office and the lands shall thereupon be freed from all liability as to the cost of such installations.

2. The council of the Corporation is authorized and empowered to pass by-laws requiring the owners or occupants Authority to pass by-laws respecting cleanliness of alleys, etc. of

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of land in the City of Windsor to keep and maintain the alleys and lanes, alongside or at the rear of such land, free and clear of weeds, dirt, filth, ashes, paper, building material, rubbish and other refuse, at all times, and for the purposes of Part XXI of *The Municipal Act* such by-law shall be deemed to be a by-law passed under the authority of *The Municipal Act*.

Lands
vested in
Corporation

3. The lands described in the Schedule hereto are hereby vested in the Corporation in fee simple, clear of and free from all right, title and interest other than that of the Corporation.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The City of Windsor Act, 1956*.

SCHEDULE

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of Windsor in the County of Essex and Province of Ontario, being composed of:

- (a) the south half of Lot Number Eighty-five (85) on the east side of Myrtle Street, according to Registered Plan 890;
- (b) the water lot in the Detroit River in front of Lot Number Thirteen (13) on the west side of Sandwich Street, according to Registered Plan 410;
- (c) the water lot in the Detroit River in front of parts of Lots Numbers Four (4) and Five (5) on the west side of Russell Street, according to Registered Plan 40, containing by admeasurement 92.100ths acres more or less.

CHAPTER 128

An Act respecting the City of Woodstock

*Assented to March 28th, 1956
Session Prorogued March 28th, 1956*

WHEREAS The Corporation of the City of Woodstock ^{Preamble} by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of The Corporation of the City of ^{By-laws} _{re industrial railway sidings} Woodstock may pass by-laws, without the assent of the electors, but subject to the approval of the Ontario Municipal Board,

- (a) for authorizing the construction and maintenance of industrial railway sidings to serve all or any part of the lands described as follows:

All and singular that certain parcel or tract of land and premises situate, lying and being in the City of Woodstock, in the County of Oxford and Province of Ontario, and being composed of parts of Lots Seventeen and Eighteen in the Second Concession of Blandford, the boundaries of which are described as follows:

Commencing at a point in the westerly boundary of said Lot Eighteen at the distance of Six Hundred and Sixty-six and Five Tents (666.5) feet measured northerly along said boundary from the south-westerly angle of said lot Eighteen; thence easterly parallel to the southerly boundary of said lot Three Hundred and Thirty-three (333) feet to a post; thence southerly parallel to the westerly boundary of said lot Six Hundred and Sixty-six and Five-Tenths (666.5) feet to the southerly boundary of said lot; thence north Seventy-eight degrees Thirty minutes east along the southerly boundary of said lot Eighteen, a distance of Eight Hundred and Twenty-one (821) feet to the line between said lots; thence continuing easterly on the same course along the southerly boundary of said lot Seventeen Six Hundred and Fifty and Eight Tenths (650.8) feet; thence north seventeen degrees Twenty-six minutes Thirty seconds west parallel to the easterly boundary of said lot Seventeen, a distance of Three Thousand and Seventy-one (3071) feet to the southerly boundary of the right-of-way of the Canadian Pacific Railway; thence south Sixty-six degrees One Minute Forty-five seconds west along the southerly boundary of said right-of-way One Thousand

Four Hundred and Seventy-four and Four tenths (1474.4) feet to the westerly boundary of said lot Eighteen; thence south Ten degrees Thirty minutes Fifteen seconds east along this last mentioned boundary Two Thousand and Seventy (2070) feet more or less to the place of beginning; Containing by admeasurement One Hundred and Three (103) Acres be the same more or less;

(b) for issuing debentures, for any such purpose, for any term not exceeding twenty years.

Sale or
lease of
sidings

(2) Any railway siding, or part thereof, constructed under the authority of this section may be sold or leased, or the right to use the same or any part thereof may be granted, for such price, rental or compensation as may be approved by the Department of Municipal Affairs.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The City of Woodstock Act, 1956.*

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- BLIND PERSONS' ALLOWANCES ACT: 1951 (2nd Sess.), c. 1 (15th December, 1951).
BOILERS AND PRESSURE VESSELS ACT: 1951, c. 7 (27th March, 1953).
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CREDIT UNIONS ACT: 1953, c. 26 (9th July, 1953).
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FINANCIAL ADMINISTRATION ACT: 1954, c. 30, ss. 37 to 42, 44 to 58, 67 (1st July, 1954).
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